

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

MINUTES OF A REGULAR MEETING
OF THE FACULTY SENATE HELD ON
MARCH 8, 1996, IN THE ELLIOTT ROOM,
UNIVERSITY CLUB, MARVIN CENTER

The meeting was called to order by President Trachtenberg at
2:20 p.m.

Present: President Trachtenberg, Interim Vice President Salamon,
Parliamentarian Keller; Deans Caress, Fowler, and
Futrell; Professors Boswell, Brewer, Darr, Elgart,
Englander, Griffith, Gupta, Haque, Harrauld, Kahn, Park,
Pelzman, Robinson, Seavey, Silber, Smith, Solomon,
Straw, Tropea, Vontress, and Yezer

Absent: Registrar Selinsky, Deans Friendenthal, Frieder,
Harding, and Keimowitz; Professors Captain,
Castleberry, Johnston, and Kimmel

A brief recess was called in order for a group photograph to be
taken of the Faculty Senate for the 1995-96 Session.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of January 19, 1996, were
approved as distributed.

RESOLUTIONS

I. RESOLUTION 95/7, "A RESOLUTION ON THE ROLE OF FACULTY IN THE
ACCREDITATION OF ACADEMIC PROGRAMS"

On behalf of the Professional Ethics and Academic Freedom
Committee, Professor Robinson, Chair, moved the adoption of Resolution
95/7, and the motion was seconded. Professor Robinson said that the
intent of this resolution was (1) to confirm the faculty's
understanding that they play a central role in the accreditation
process; (2) to reaffirm the provisions of the Faculty Code which
address the rights and responsibilities of the faculty with respect
to academic programs and curricula; and (3) to direct the attention
of the faculty and the administration not only to the significance and
consequences of accreditation, but to the process itself and the
centrality of the faculty in that process. Professor Robinson said
that this resolution is especially timely, as it is being set forth
at a time when the University is preparing for the Middle States
Accreditation.

Professor Englander asked if the language in the resolution referring to "all incoming substantive communications from these accrediting bodies" included the accreditation report as a substantive communication. Professor Robinson replied that substantive communications included the accreditation report, and that the term "substantive" was deliberately stated in the resolution so that it did not include minor communications.

Professor Darr said that he would like to hear some background as to why this resolution was brought to the Senate. Professor Robinson explained that the genesis of this resolution was in the recent experience with the accreditation process in the School of Engineering where faculty expressed concern that they had not been fully consulted or informed with respect to University contacts and communications with the accreditation association. She said that this resolution was not being put forth only for the Engineering School, but as the University continues to participate in more accreditation processes, it was important to confirm the faculty's role in the accreditation process.

Further discussion followed by Professors Silber, Robinson, and President Trachtenberg.

The question was called, and Resolution 95/7 was adopted unanimously. (Resolution 95/7 is attached.)

II. RESOLUTION 95/8, " A RESOLUTION OF THE FACULTY SENATE REGARDING PROPOSED REVISIONS TO THE CODE OF STUDENT CONDUCT

On behalf of the Joint Committee of Faculty and Students, Professor Tropea, Faculty Co-Chair, moved the adoption of Resolution 95/8, and the motion was seconded. He explained that the kinds of problems confronting the judicial system have increased a great deal over the years. The University is under pressure--from legislation, litigation, and parental expectations--to better address some of the problems that arise. Under the proposed Code of Student Conduct, he said, prohibited conduct is spelled out in more detail than in the old, and efforts have been made to render the proposed Code less legalistic and combative than formerly. It is anticipated that, if adopted by the Senate, the Code will receive a final review by University Counsel. Following approval by that office, it will be forwarded to the Board of Trustees for consideration at their May, 1996, meeting. Professor Tropea then yielded the floor to Linda Donnels, Dean of Students.

Dean Donnels noted that the 1988 Code of Student Conduct was modeled after the University of Maryland's disciplinary code. She said that proposed changes had been made through a number of drafting committees, and that the present proposal represents a best effort to

capture the best practices around the country, as well as one that reflects GW's experience with the Code.

According to Dean Donnels, adjudicating cases today is very difficult and great care must be taken with procedures and consistency of practice. The University processes nearly 500 disciplinary cases a year, about 10% of which are referred to full Board hearings. Nearly half of all disciplinary cases involve alcohol. In the first two years following the implementation of the Code of Student Conduct in 1988, only one student was suspended. Last year, 1994-95, there were nine suspensions and one expulsion. To date this year, there have been five suspensions. There is extensive interaction with attorneys, not only in serious cases, but in less serious cases as well.

Dean Donnels then presented an overview of the proposed Code changes. She said it has been revised with a view toward clarifying procedures for those who must access the Code. Procedures have been streamlined where possible. The text spelling out prohibited conduct has been expanded. A minimum mandatory sanction section has been added, both to convey the seriousness with which the University views particular offenses and to signal consistency of response to those violations. Many of the changes proposed reflect the reality of practice as the Dean of Students' staff has worked with the Code. Since adoption of the Code in 1988, a Greek Judicial Board has been established to hear cases involving Greek organizations. The proposed Code formalizes the existence and operation of this Board. Traffic Board procedures have also been revised. At present, Student Judicial Services handles all residence hall disciplinary conferences (except for minor violations of Residence Hall Rules) since it was found to be counterproductive to have two systems (one for residential cases and another for non-hall cases) conducting disciplinary conferences under the Code.

Dean Donnels pointed out that the section on Interim Suspension (Section 7) has been changed. The 1988 Code required that such action be taken by both the Dean of Students and the Vice President for Academic Affairs, acting together. The proposed Code allows the Dean of Students, acting alone, to suspend a student for an interim period of not more than 21 days. This immediate action does not represent a permanent resolution of the case. Concurrence of the Vice President for Academic Affairs is still required for the final resolution of a case in which suspension or expulsion is the result.

Dean Donnels noted that the 1988 Code also provided a student suspended from the University on an interim basis the right to appear before the Dean of Students and Vice President for Academic Affairs (or their designees) within five business days to discuss (1) the reliability of the information concerning the student's conduct, including the matter of his or her identity, and (2) whether the conduct and surrounding circumstances reasonably indicated that the

continued presence of the student on University premises posed a substantial and immediate threat to him or herself or to others or to the stability and continuance of normal University functions. In practice, Dean Donnels said, this meeting has been an awkward one and has turned into an adversarial meeting outside the judicial process which individuals seek to use to argue the merits of their case. The proposed Code eliminates that meeting and seeks to streamline the process, guaranteeing a student suspended on an interim basis a hearing as soon as is practical. She added that for the most part, judicial cases are heard within a week to two weeks of an incident; they are not extended because it is very important for the University to take prompt action to signal that certain behaviors are not acceptable in the University community.

Professor Griffith cited Section 8 (p. 7), Interim Suspension, where a student, evicted from housing or suspended from the University on an interim basis, would be granted a hearing as soon as is practical. He asked if the intention of the drafters might not be to specify that either a judicial board hearing would be granted, or a disciplinary conference, rather than restricting a student's choice to a hearing as the presently proposed language appears to do.

Professor Griffith noted that the language of the Code which provides for flexibility in sanctioning, and the discretion to do justice depending upon the facts of each case, is somewhat in tension with the imposition of mandatory minimum sanctions. Professor Robinson agreed that mandatory minimum sanctions presented problems.

In response, Mr. Mory, Student Co-Chair of the Joint Committee of Faculty and Students and former member of the University Hearing Board, replied that there was a need for the Hearing Board to have guidelines about acceptable minimum sanctions in order to develop consistency from year-to-year since composition of the Hearing Board changes. He also noted that the mandatory minimum sanctions had not been randomly suggested, but represented the consensus that has developed over the years on the Board. He thought the sanctions could easily be used as guidelines.

Professor Griffith observed that Section 20 b) (p. 22) of the proposed Code states that "the University Hearing Board hears all cases to be resolved in accordance with this Code." However, he said, a clarification may be in order, inasmuch as some cases involving violations of the Code are referred elsewhere--to the Greek Judicial Board, for instance.

Professor Griffith also said he thought the authority of the University Hearing Board should be clarified as is the authority of the Traffic Board and Greek Judicial Boards to hear cases. It seemed to him that under the proposed Code, the University Hearing Board

would meet only as a fact-finding body, with sanctions to be determined and imposed by the Dean of Students Office. In response to this observation, Dean Donnels said that the Hearing Board presently recommends sanctions for imposition by the Dean of Students. Professor Griffith reiterated that he thought if recommending sanctions were to be part of the Hearing Board's authority, that that should be explicit in the Code.

Professor Griffith then moved to a discussion of Section 26 b) (p. 26) of the proposed Code which provides that "The Office of Student Judicial Services will compel the attendance of witnesses" He said he thought this section might be making a promise that could not be kept since compelling attendance might not always be possible, and, therefore, compelling testimony certainly could not be achieved. He said he could foresee a situation where an individual might appeal based upon a claim that the attendance of a critical and favorable witness was not compelled.

Dean Donnels said that there have been increasing problems with students disregarding the request to appear. Mr. Mike Walker, Administrator, Student Judicial Services, concurred and suggested that perhaps better language would provide that the Dean of Students would take steps to compel the attendance of witnesses. He added that this is an issue with the Hearing Board, leaving the Board at times without a complete set of facts. Professor Englander suggested that perhaps the term testimony could be substituted for the term "attendance." Mr. Walker said he thought that that suggestion might be workable, inasmuch as the Board in many cases will accept written testimony from witnesses rather than requiring personal appearances.

Professor Gupta asked why the Code restricts appeals solely to cases involving suspension or expulsion and denies them, for example, in the case of a student fined \$300. Dean Donnels replied that the present volume of 500 cases is barely manageable and that if the right to appeal were expanded, she felt most cases would be appealed, and the system was not equipped to deal with that kind of volume. She added that staff would not, however, ignore gross error or unfairness in a case. Mr. Walker again concurred, noting that such appeals would mean additional staff hours, and he reiterated that more serious cases involving suspension or expulsion afforded appeal options to students. Professor Gupta then yielded the floor to Mr. Sean Corcoran, a student member of the Hearing Board, who addressed the Senate on the subject of mandatory sanctions contained in the proposed Code.

Mr. Corcoran said he was opposed to mandatory sanctions because, in his experience, justice often needs to be individualized. If the proposed mandatory sanctions were enacted, the Hearing Board would be left with no discretion whatsoever in individual cases. He thought the University needed to provide a structure for evaluating the fairness and appropriateness of sanctions for individual offenders,

but not all of the Hearing Board's discretion should be removed. An inflexible scheme, he said, is hardly an improvement over an arbitrary one. He suggested that sanctioning guidelines might be the middle ground, and more extensive training for justices might serve the need for more consistency in sanctioning.

Dean Donnels then asked Mr. Corcoran if language concerning guidelines rather than mandatory minimum sanctions as touched upon by Mr. Mory would address his concerns, and he replied that it would.

Professor Robinson then moved to amend Section 13 (p.15) of the proposed Code, as follows:

13. Minimum sanctions under "a," "b," "e," "f," and "s" (below) are ~~mandatory~~ recommended; the others are examples of the types of minimum sanctions which might be imposed.

The motion was seconded. Professor Yezer said that he thought that there were some offenses for which mandatory minimum sanctions might be appropriate and other offenses for which they might not be, but that, in either case, the University was trying to deter misconduct, not merely punish it. He said that during his student days, students paid great attention to sections of the disciplinary code that put students on notice that certain behaviors would result in their suspension. Dean Donnels said that, unfortunately, many students these days tend not to pay attention to rules until confronted by them.

The question was called on the Robinson amendment, and the amendment was passed.

Professor Silber expressed concern about the "breathtaking" list of violations in Section 11 of the proposed Code. He said that some of the rules seemed like police regulations which exist in order for police to make an arrest where there is no clearcut evidence that wrongdoing has, in fact, occurred. As examples, he said that Section 11 g) which forbids possession or storage of any item that "could be construed as a weapon" was too broad. Section 11 u), concerning disorderly conduct, was also too broad, he said, forbidding "conduct including, but not limited to, unreasonable disturbance, trespassing on the rights of others, or any lewd or indecent behavior." He said he also thought that Section 11 v) of the proposed Code, Verbal Abuse, was extremely vague and did not properly define the offense. He noted the same concern about the need for definition to Section 11 w), Hazing, saying that it did not specify to whom prohibited conduct was directed nor for what purpose.

Dean Donnels clarified that the proposed Code is intended to

cover all students except medical students, and that the judicial system under the proposed Code concerns itself with non-academic matters. Professor Boswell noted that since graduate students are subject to the system, he recommended that one of the two student members of the Committee on the Judicial System (Section 20 e), p. 23) should be a graduate student.

Professor Seavey noted that he was on the Board that worked on the 1988 Code which had aimed at more clarity, and had replaced a system so weighted down with legalisms that it had become unusable. He thought the proposed new Code before the Senate was moving in the right direction and represented a considerable improvement over the 1988 Code.

The President asked if the Senate wished to continue discussion today or to table the Resolution until the next meeting.

Professor Griffith then moved that the Resolution be referred back to the Joint Committee for further review with the proviso that the Senate be encouraged to send comments to the Joint Committee; and that the Resolution be brought back to the Senate in April. The motion was seconded. The question was called, and the motion was passed.

Mr. Scott Mory asked that the Senate members forward their comments to him by March 27th, and Dean Donnels invited Senate members to contact her or her staff to obtain background on proposed Code changes.

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

REPORT ON ONE CARD BY LOUIS H. KATZ, VICE PRESIDENT AND TREASURER

Vice President Katz said that the one card is to replace the ID card that most of the employees have today. Since there now seems to be some ten to fifteen versions of ID cards throughout this campus, he said that when the one card is in place, then there will be only one ID card for everyone. The one card has three primary functions: (1) access; (2) service; and (3) payment. In the access category, the card could be used to have appropriate access to buildings when they are not open, such as parking garages and the Library. With regard to the service function, students could use it for student voting, for example. In the payment category, based on the bank, it could be used for dining, laundry, vending, copiers, bookstore, occasional parking, etc., and, if one wishes, it could be used in essence for an ATM and banking card. Vice President Katz said that the one card would be designed with two stripes on the back of it and is designed to have these features so it could be expanded as needed. If one wishes to use his or her card only for ID purposes and access, then that is all

that is required. The other characteristics of the card are to provide additional services to the various groups on the campus.

Professor Park said that since the University supplies ID cards to its employees, if the cards should wear out or break, he wondered if the University would replace them free of charge. At present, Professor Park said that the University supplies a card, but if it wears out, the faculty member is expected to pay a fee to replace it, which he thought was unfair. Vice President Katz replied that he would have to look into the matter but his assumption would be that the University would replace the cards if they were not abused.

Professor Pelzman asked if the administration consulted with the Senate's Committee on Administrative Matters when the one card idea was being considered. Vice President Katz replied that the administration publicized this on campus by inviting people to the presentations, but that there was no official participation from the Faculty Senate. He said that no one is going to force anybody to use the new card for anything other than an ID card. Professor Pelzman said that his concern was that it affects everyday life on campus, plus the fact that the University would be spending money to have all these other services embedded in the card, and he wondered if the vendors would be paying for the provision of these services. Vice President Katz responded that he was looking into the volume numbers himself because the idea was that the vendors would provide the hardware and software for the additional services the card would provide.

Professor Griffith asked when the administration expected to have the new cards issued, and Vice President Katz said that the primary goal would be to have the new cards in place for the fall semester, and then usage of the cards and services provided would be phased in.

Professor Kahn pointed out that the reason buildings are open now is because it is too cumbersome to restrict access. Once it becomes a simple matter of using the new card, access to any building and every building in the University will now be controlled the same way as access to the parking garages or the Library are now controlled.

Professor Englander said that he thought Professor Kahn was raising an important point about the nature and history of technology. Technology is generally introduced as a neutral activity that can possibly be misused, but there is a school of thought that technology has some inherent political and social aspect to it, which is something that ID's can be all about. And whether or not the administration chooses not to keep a record of every car going into a garage or every individual going into a building, then perhaps as this new technology is introduced, Professor Englander thought that there should be statements of public policy that assert the primacy

of privacy and assert the principles of what this University stands for.

President Trachtenberg said that we have to protect our civil rights and our civil liberties, and eternal vigilance is the price we pay for freedom, but he did not think that that is what this is all about. He said that the new card is simply to give people access to buildings that are locked on the weekends, and the administration will not be tracking people 24 hours a day, 7 days a week. The subject on the agenda is a key to a door - not a political manifesto.

REPORT BY ADLA D. ISMEAIL, BRANCH MANAGER, NIH FEDERAL CREDIT UNION

Ms. Ismeail noted that the NIH Federal Credit Union has been around for 56 years, and last week marked the third anniversary of the opening of the GW branch. She then described the various services available to GW employees. She said that the credit union is a non-profit organization and its field of membership includes the National Institutes of Health and The George Washington University. The branch itself, she said, is serving 9,300 members, has \$15 million in deposits as of the end of 1995, \$9.8 million in loans, and the membership grew by 35% last year alone. Ms. Ismeail said that the Credit Union is here to serve the GW community and is always open to suggestions how it might better serve the members. She then thanked GW for a successful 3 years and said that she was looking forward to serving the members for many more years.

GENERAL BUSINESS:

I. NOMINATION FOR ELECTION OF THE NOMINATING COMMITTEE FOR THE 1996-97 EXECUTIVE COMMITTEE

Professor Pelzman, on behalf of the Executive Committee, moved the following nominations for election to the Nominating Committee: Professors Lawrence E. Mitchell, (Law) Convenor; Yvonne Captain (CSAS), Mervyn L. Elgart (SMHS), Ernest J. Englander (SBPM), Robert J. Harrington (SEAS), Dennis H. Holmes (GSEHD), and Joseph Pelzman (ESIA). No nominations were made from the floor, and the nominees were elected unanimously.

Professor Griffith requested that the nominations for election to the Executive Committee be placed on the agenda for the April Senate meeting.

II. REPORT OF THE EXECUTIVE COMMITTEE

A Special Report and Regular Report of the Executive Committee were presented by Professor Pelzman, Chair. (Both reports are

enclosed and made a part of these Minutes.)

III. INTERIM REPORTS OF SENATE COMMITTEE CHAIRS

Professor Park, Chair of the Advisory Committee, Vice President for Academic Affairs Search, presented a report on the progress of the Committee to date. (The report is enclosed and made a part of these Minutes.)

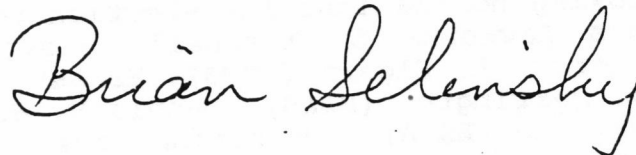
BRIEF STATEMENTS (AND QUESTIONS)

Professor Harrauld noted that 19 GW students, accompanied by faculty members, will be en route to Ghana where they will be spending the spring break doing community service in the city of Ho. He said that this is one of the most ambitious alternative spring break experiences ever organized by the Campus Minister, Laureen Smith, and he asked the faculty to give their encouragement to the students if they happened to be in any of their classes.

Professor Englander asked Vice President Salamon if next year's academic calendar will be announced soon. Vice President Salamon replied that she would contact Donna Scarboro, Chair of the Calendar Committee, to determine what the status of the calendar is for next year in order to make certain that it is announced before next year begins.

ADJOURNMENT

Upon motion made and seconded, President Trachtenberg adjourned the meeting at 5:10 p.m.

A handwritten signature in cursive script that reads "Brian Selinsky". The signature is written in dark ink and is positioned above the printed name and title.

Brian Selinsky
Secretary

[Any inquiries about this resolution should be directed to Professor Lilien F. Robinson, Chair, Professional Ethics and Academic Freedom Committee, Ext. 4-7904.]

A RESOLUTION ON THE ROLE OF FACULTY IN THE ACCREDITATION OF ACADEMIC PROGRAMS (95/7)

WHEREAS, accreditation of academic programs, departments or schools form a vital component in the reputation and continued health and growth of the University; and

WHEREAS, the faculty of programs, departments or schools being accredited have a special responsibility for and must play a pivotal role in such accreditation due to their particular expertise; and

WHEREAS, the administration of the University and of the School in which the programs or departments being accredited principally reside necessarily provide data and otherwise communicate with the appropriate accrediting bodies from time to time, such communications being frequently critical to the successful accreditation of programs; **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the faculty of programs, departments or schools being accredited or re-accredited or their designated faculty representative(s), be consulted and fully informed in advance with regard to all outgoing substantive communications with accrediting bodies and be advised in a timely manner of all incoming substantive communications from these accrediting bodies.

Professional Ethics and Academic Freedom Committee
February 14, 1996

Adopted by the Faculty Senate March 8, 1996

[Any inquiries about this resolution should be directed to Professor Joseph A. Tropea, Faculty Co-Chair, and Mr. Scott Mory, Student Co-Chair of the Joint Committee of Faculty and Students, Ext. 4-6345/4-7100.]

A RESOLUTION OF THE FACULTY SENATE REGARDING PROPOSED REVISIONS TO THE CODE OF STUDENT CONDUCT (95/8)

WHEREAS, there is currently a proposal for revisions to the Code of Student Conduct being put forward by the Office of the Dean of Students; and

WHEREAS, these revisions have been designed for the purpose of improving the Code of Student Conduct by addressing deficiencies arising from the subsequent passage of the Drug Free Schools and Communities Act, and the Student Rights to Know Act; and

WHEREAS, the proposed revisions will clarify several points of procedure in the hearing process by making them less legalistic, thereby further enabling hearing bodies to hold students accountable for determined destructive behavior; and

WHEREAS, the Joint Committee of Faculty and Students and Student Association have already endorsed the attached proposal for revisions to the Code of Student Conduct; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Senate approves the proposed revisions and urges the President of the University and Board of Trustees to approve them as well.

**Joint Committee of Faculty and Students
January 26, 1996**

Referred back, March 8, 1996, by the Faculty Senate to the Joint Committee of Faculty and Students for further review and to be brought back to the Faculty Senate at its April meeting.

Park, 3rd Oral Report on Search to Faculty Senate

- - - - -

1. **Since the last report.** The Advisory Committee closed the pool of candidates, narrowed the priority candidate pool from 17 to nine, interviewed those nine, eliminated two to reduce the priority pool to seven, and sent a DRAFT report to the President recommending several names of candidates for his consideration.
2. **The Off-campus Interviews.** The Advisory Committee met with the nine candidates remaining in the priority candidate pool. Careful and systematic interviews were conducted, with each candidate being asked to respond to the same questions and issues. The nine were all extraordinarily well qualified, but two candidates, one from a very large state university in the midwest and one from a distinguished southern university, seemed to have priorities and administrative styles that did not quite fit our needs. The remaining seven continue to be part of an active pool, and each of them is unquestionably qualified to fill the Vice Presidency with distinction.
3. **The names sent forward.** In the DRAFT report, the Advisory Committee sought to do two things. **First**, it sought to call to the President's attention some candidates of unique potential. As you know, and as the President advised the Committee in his consultations with us, the actual responsibilities of any high administrative office must reflect to some extent the individual talents, experiences, training and interests of the occupant. These names were to invite the President's consideration of these candidates, each of whom offers the university different strengths and talents. **Second**, the Advisory Committee sought the President's approval for a second round of preliminary interviews. We had mentioned this before, and it was the Committee's hope that a round of meetings with some of the Vice Presidents would give the off-campus candidates more knowledge of the university so that both the university and the candidate might decide whether to go forward. In this phase, we had planned that the President would meet with the top off-campus candidates so that he could then select the on-campus visit finalists.
4. **The next step.** After this second round of interviews, the Advisory Committee will probably be asked to meet with the President to discuss the candidates in this priority pool, and the President will select the candidates who will visit the campus as finalists.
5. **The Campus Visit.** When the finalists are brought to campus, it is anticipated that they will meet with the Deans in a group meeting, with the Faculty Senate Executive Committee, with a selection of faculty representing the various colleges, and with a selection of chairs. This visit will also include opportunities for the candidates to meet with students and alumni.

The End.

REPORT OF THE EXECUTIVE COMMITTEE
MARCH 8, 1996
PROFESSOR JOSEPH PELZMAN, CHAIR

I. SPECIAL REPORT OF THE EXECUTIVE COMMITTEE

Professor Pelzman noted that at the beginning of this session, the Executive Committee of the Faculty Senate stressed that it wanted to start a year that basically would be characterized as one of shared governance with the administration. The Executive Committee's assumption was, and still is, that in an environment where there are attempts to initiate changes which affect the faculty, either marginal or structural, that it is the long tradition of any large university and the tradition of The George Washington University to use the Faculty Code as the standard by which these changes occur. The standard of review for initiating changes which affect the faculty is contained in the Faculty Code and not outside of the Faculty Code. Many times when certain issues of structural change arise, they are referred to by the administration as questions of process. While in many cases they may appear to be questions of process, the Executive Committee sees them as questions of substance, not process. In this regard, Professor Pelzman said he would like to address two recent cases which have come to the attention of the Executive Committee.

A. FACULTY PARTICIPATION IN ACTION CONCERNING CURRICULUM

The first issue, Professor Pelzman said, concerns faculty participation in actions involving curricular development and change. At the December Senate meeting, a statement from the "Concerned Basic Science Faculty" was read into the record regarding the process used in developing the Institute of Biomedical Sciences. In discussions with the administration, the Executive Committee was assured that there was consultation with the faculty in the development of this Institute. The Executive Committee has since learned that when it came to the development of a curriculum for the Biomedical Sciences program, the participation of faculty was limited to faculty appointed by the administration. Professor Pelzman cited Section D. of the Faculty Code (p.23) which states, in relevant part:

The regular, active-status faculty members of the rank of assistant professor and higher of each school or college shall establish procedures for their participation, directly or through elected standing committees, in decisions relating to the addition, revision, or elimination of curricular offerings."

In discussions with the concerned faculty, the Executive Committee learned that these faculty were not consulted in decisions related to curriculum matters, but that a curriculum had already been developed for the Biomedical Sciences program by an appointed committee. Professor Pelzman said that the Curriculum Committee of Columbian School should have been consulted prior to the development of curriculum that affects faculty of that School. He then circulated

a memorandum dated February 20, 1996, from Professor Sterling outlining the core curriculum for the Biomedical Sciences program. (Memorandum and Biomedical Sciences Core Curriculum are attached.)

B. SCHOOL WITHIN A SCHOOL

The second issue that came to the Executive Committee, Professor Pelzman said, was the development of a "school within a school." This issue involves the re-naming of the National Center for Communications Studies to the School for Media and Public Affairs which will be a School within Columbian School. The resolution that was presented to and approved by the Board of Trustees on February 8, 1996, indicated that the Center's faculty on August 29, 1995, approved the name change, and after extensive discussions with the Dean's Council of Columbian School, the Dean's Council approved it on October 20, 1995. Professor Pelzman pointed out that, according to the bylaws of Columbian School, the Columbian School's Dean's Council acts on behalf of the faculty when the faculty is not in session. In October, the faculty was in session. This, he said, raises a question of substance, not process. The resolution further states that nothing in this request represents a change in the status of any kind with respect to the standing of this unit within the Columbian School, or its relationship with the faculty or administration thereof. Professor Pelzman said that the Executive Committee was not certain that that was the case. (Resolution is attached.)

Professor Pelzman said that the Executive Committee assumed that it would not have to deal with these kinds of fires and that, in fact, the administration would follow the clear language of the Faculty Code. He said that these are two cases that he hoped were merely slippage, and not a bad faith effort, but that he would keep the Senate informed about these matters as they progress. He then asked if there were any comments or questions from the other Senate members.

Discussion of Faculty Participation in Action Concerning Curriculum Issue

Professor Boswell, a member of the Executive Committee, said that he had erroneously assumed that the dispute concerning the Institute of Biomedical Science was largely within the School of Medicine even though he understood that there was some involvement with Columbian School. After the Executive Committee's meeting with representatives of the Concerned Basic Science Faculty, Professor Boswell said this issue appeared to him to be a very serious matter that challenges the creditability of the Faculty Code and of the Faculty Senate. He emphasized that the one place faculty have control of their destinies in the University is in the curriculum. And to the extent that the courses he teaches, for which he has expertise and for which he does his research and reading, are altered by people that do not include him, he regarded as a threat to academic freedom and basically to his professional career. Professor Boswell said that this dispute is not a procedural matter, but rather a substantive issue. He said that we

must have an understanding that there are certain provisions in the Faculty Code that give the faculty the standing they have in the University and we must insure that these provisions of the Code are honored.

In response to Professor Boswell, Dean Caress said that the curriculum that is being worked on would be forwarded to the Columbian School Curriculum Committee. A committee was appointed to put together a curriculum for a new way of offering graduate education in the biomedical sciences, but at some point, that committee's curriculum proposal would be sent to the Columbian School Curriculum Committee. Professor Boswell replied that that was exactly the problem because that committee was made up of a variety of people who were appointed, not elected representatives, who would be sending their curriculum proposal to the Columbian School Curriculum Committee.

Professor Elgart, a member of the Executive Committee, pointed out that while there seemed to have been a great deal of faculty participation in the development of the Institute of Biomedical Sciences, none of that participation was by elected faculty representatives. The lack of elected faculty participation, he said, carries a great deal of weight because one might not want to have those appointed individuals representing their particular departments.

Vice President Salamon, referring to the page outlining a proposed Biomedical Sciences curriculum circulated by Professor Pelzman, explained that that document was prepared in order to convey to potential students for next fall what kinds of changes were underway. She explained that each participating department was asked to pick its own member to assist in drafting this document. The curriculum, itself, is not yet near the final stage, she said, and when it is completed, after every single member of the group has had a chance to have her or his views considered, then and only then would the proposed curriculum be forwarded to the Columbian School Curriculum Committee. Professor Straw, a member of the biomedical sciences, agreed that faculty have participated directly in the development of a proposed curriculum because the head of each program was asked to provide her or his input. The President said that it appeared to him that everybody in the departments was actually participating, and he wondered what practical difference there was between that group and an elected committee. Professor Pelzman replied that the difference is that there is a subgroup that is excluded from that group. The President then recognized Marie M. Cassidy, Professor of Physiology.

Professor Cassidy, a member of the Concerned Basic Science Faculty, made the following statement:

Having completed my thirty-third year at this institution, I have been a member on various occasions of the Faculty Senate and the Executive Committee. The group

that I represent, the Concerned Basic Science Faculty, are thoroughly in favor of the Institute of Biomedical Sciences. We are thoroughly in favor of looking at the education of biomedical Ph.D.'s in the sciences in this very precipitous climate. Most of us have been research funded; many of us still are, and over the last several decades we have produced a large number of Ph.D.'s. We would very much like to advance into a new way of creating biomedical Ph.D.'s. Our concern comes from the fact that this Institute was crafted and drafted by a small number of junior faculty who were appointed and not elected. It seems to us that it is a sad omission on the part of the University to ignore the kind of wisdom and experience we can bring to this since this is a new type of curriculum. Even the most dedicated teachers have not been involved. Most of the documents have been held in secret. It has been extraordinarily difficult to find out what is going on, and we do have a long-standing concern. Who is going to teach this new curriculum? We question the wisdom of soliciting Ph.D. candidates to enter this University next fall with a curriculum for which the courses have not been adequately defined, and the faculty to teach them is unknown. What is known is that the 100% funded research faculty are not likely to want to do this teaching.

What we are asking for is that a committee drafting this curriculum should include elected representatives, and that, in fact, some of the committees creating the Biomedical Research Institute should have them as well. Many of us feel somewhat chagrined to be consigned by the administration as troglodytes or dinosaurs. The one saving grace is that we find ourselves in excellent company.

The real issue is that the Faculty Code does provide for elected committees. I seriously wonder what the concerns of the junior faculty involved in this will be in ten years, however well-funded they may be at the moment. Who knows in this biomedical research climate when biomedical research funding might be running under 10% of approved research grants. And I think the one point my colleagues would like me to say is we do have a great deal of experience to offer. If it takes a whole village to raise a child, it has been my experience in 40 years of academia that it takes a whole dedicated department or group of people to raise a Ph.D., and to take care of that Ph.D.'s career thereafter. One cannot do it in a haphazard, slipshod, "give-them-the-degree-and-let-them-out" manner. It is those kinds of issues that we would like to be involved in discussing. We are all for change; we all understand that. None of us gets research money for what we were trained to do as Ph.D.'s in the past. The fact is that none of us has been adequately consulted in any way except in terms of replying to documents that we may or may

not see on paper. We do not find that a satisfactory substitute for what appears to be a repudiation of the Faculty Code. Thank you.

President Trachtenberg asked where all this disputation was going on--in the graduate school or in the Medical School? Professor Cassidy replied that this issue has nothing to do with the Medical School education or the Medical Center. The basic science faculty are members of the graduate faculty of Columbian School.

Dean Caress explained that it is one of those situations where the fiscal responsibility for these departments lies in the Medical Center, but that the academic responsibility for their graduate programs lies in Columbian School. The President said that he did not understand why this was not resolved in Columbian School, and Professor Cassidy replied that it never was sent to Columbian School. Dean Caress said that a committee was appointed to work on the development of a possible curriculum for the education of graduate students in the biomedical sciences.

As a point of clarification, Professor Cassidy said that the concerned faculty understood that the Biomedical Research Institute, with the graduate program involvement and the graduate education being the "engine driving the bus," was approved and chartered by Vice President Lehman. Vice President Lehman replied that that was correct but that it had nothing to do with the graduate education component. He said that the Advisory Council on Research very clearly separated the education component out of the discussion. But the Institute as a research entity chartered by the University has been approved.

Dean Caress said that he thought the process was reaching a reasonable conclusion and that when the appointed curriculum committee has finished its work, the committee will send it back to their own faculty, and then forward it to him for consideration by the Columbian School Curriculum Committee. Professor Yezer commented that he has served on the Columbian School Curriculum Committee, and there have been some occasions where the Committee has received things where they have gotten a "sniff" that the entire department was not exactly consulted, and those things got bounced back very quickly to the department. He said it was very important to have everybody on board because the Curriculum Committee would not even approve a course, let alone a curriculum change, if one did not have an instructor.

President Trachtenberg said that the bottom line is that the administration was not trying to do a back door around the Faculty Code, nor repudiate it, and he thought it ought to be possible to take it back and get it processed the right way. He then asked Dean Caress to try to resolve this matter.

Discussion of School Within A School Issue

With regard to the "school within a school" issue, Dean Caress said that he would like to clarify the role of Columbian School. Even though the National Center for Communication Studies has been ordained the "School of Media and Public Affairs," he said that the director of that School will report to him as Dean of Columbian School, just as the Graduate School of Public Management reports to him as Dean.

Professor Griffith said that he thought this was an issue of great concern because there is an explicit provision in the Faculty Code, Section IX, that provides that the Faculty Senate or an appropriate committee thereof is entitled to an opportunity to make a recommendation on proposals concerning the creation, consolidation, or elimination of schools, colleges, or other major components of the University. Professor Griffith said that at the January Senate meeting, he asked the Chair of the Executive Committee whether it had been consulted about a rumor that the Board was about to announce the formation of two new schools. And the Executive Committee indicated that it had no explicit information about that. He said that Vice President Salamon, however, did inform the Senate that, while the new school was not going to be actually approved at the Board meeting, it would announce the beginning of the formation process for a School of Public Health. But there was no mention at all of the formation of a School of Media and Public Affairs. Professor Griffith said that the Hatchet then carried a story saying that, in fact, at the February meeting of the Board, the Board had approved formation of a School of Media and Public Affairs. Professor Griffith said that this is the second example of the use of the name of a School for something which is a subordinate unit reporting to the Dean of the School, which he thought was an extremely unfortunate kind of precedent. The Code provides in the Procedures for Implementation of the Code that under Section B, p.18, that "the regular active-status faculty of each school, college, or other comparable educational division establish procedures enabling an elected standing committee or committee of the whole to submit its recommendations on the allocation of regular-service, tenure-accruing appointments within that unit." At some point, he said, the issue is bound to arise when someone who does not get tenure claims that being a member of a school which is within a school, that person is entitled to a dispositive vote of faculty of the School within a School. Either we are forming a school, in which case the Senate should be consulted, or if we are not forming a school, but something which is a superdepartment, then it seemed to him that we should not be confusing the Code by calling something a school when it is not a school.

In response, President Trachtenberg explained that this matter represents a change in name only. It is not a change in governance nor a change in any way from what existed before the name was changed. It involves external rather than internal institutional affairs. The administration believes that a School of Media and Public Affairs would have a greater attraction to potential students, thereby enhancing the University's ability to bring to this campus

undergraduates and graduates through the identification of this unit as a "school" because the institutions GW competes with already have similar units. He explained that for intellectual and curricular reasons, the faculty of this unit did not, in fact, want to have a separate school, but wanted to be under the jurisdiction of Columbian School. The President emphasized that, since they were only changing their name, and not, in fact, "tripping any of the wires" identified today, they thought they had gone through the procedural processes.

Professor Griffith said that it appeared to him that by naming this unit a "school" for marketing reasons, but at the same time not giving it the status of a school, the University could be guilty of false advertising. The President replied that he did not think that that was true because individual institutions can decide to name academic programs what they wish as long as the program that is going to be put forward by the faculty will be of sufficient quality to justify the characterization. The academic program to put forward by these faculty will be as good as, or better than, that put forward by faculty in other institutions.

Vice President Salamon said that she wished to address the implication that she deliberately misled Professor Griffith at the January Senate meeting. Having been seated at the other end of the room, she thought she heard Professor Griffith ask about a rumor that a new school was being formed, not two schools, and she responded to the best of her knowledge by citing the new School of Public Health which was being planned in some detail. With regard to the point Professor Griffith just made about the possible misleading nature of the term "school," Vice President Salamon said that the faculty living under the title "National Center for Communications Studies" asked to have their name changed because they found "Center" to be a misleading title when they do not in any significant way do research, but they do offer degree programs as Centers normally do not.

Professor Englander asked the President if the Board of Trustees approved the change of name of the National Law Center to the GW Law School, and the President responded that he believed the Board did approve that name change. Professor Englander then asked if there was a general policy regarding departments changing their names that requires the Board's approval. The President said that any group could presumably decide it wanted to change its name by deliberating on it, making a case for it, and voting on it within its own entity. Approval beyond the unit would of course then be required. Where the change impacted on more than two schools in the University, there would be a role for the Senate. But where we have a program essentially changing its name internally, the President said that he did not necessarily think there was a role for the Senate, but there was clearly a role for the Board of Trustees. Professor Englander pointed out that the Faculty Code is fairly explicit that when a school is being created, the Faculty Senate should be involved in that deliberation. But in this case, it appeared to him that the administration is saying that a new school is not being created, it is just being called a "school," and he asked the President if that

was the distinction the administration was making. The President replied that Professor Englander was making that distinction and that he agreed with Professor Englander. Vice President Salamon noted that the whereas clauses in resolutions carry legislative weight, and that she would be happy to send to the Senate members the resolution from the communications faculty that was approved by the Board which describes exactly what the reasons for this name change were.

Professor Robinson said that somewhere in this process Columbian School faculty should have been involved and maybe they would have seen some problems with the name change and discussed it, but as she recalled there was no such discussion. She said that as far as she was concerned, two steps had been missed in this whole process.

Professor Silber asked about the status of the new School of Public Health. The President replied that the School of Public Health has not been created. It is in the process of going through deliberations which would ultimately come to the Senate. He said the administration is trying to distinguish for the Senate (in this conversation) between the creation of an actual new school and the use of the name of "school." The School of Public Health would be a separate school seeking accreditation as an autonomous GW academic unit which would elect representatives to the Senate. The Medical Center will then have within it two schools--a School of Medicine and a School of Public Health--which will report presumably through two separate deans to the Vice President for Medical Affairs. In the case of the name change situation, the Chair of that unit will report to the Dean of Columbian School. There will be no change in reporting, no change in governance, and no change in anything, as best he could determine, that has to do with the Faculty Code. The School of Media and Public Affairs will not be represented in the Senate. The President emphasized that all the administration is trying to do is to be able to give what the University does in Media and Public Affairs a greater visibility for potential students. He said, once again, that there has been a change in nomenclature.

In concluding the Special Report of the Executive Committee, Professor Pelzman announced that a Special Meeting of the Executive Committee would be held on Thursday, March 14th, to discuss these two problems, and any input from faculty should be sent to him by that date.

II. REGULAR REPORT OF THE EXECUTIVE COMMITTEE

(1) GRIEVANCES

(a) The report of the Special Mediator in a grievance from the National Center for Communications Studies has been received by the Executive Committee; the report states that "further efforts at mediation appear to be fruitless." A formal complaint has been filed with the Dispute Resolution Committee.

(b) In a second grievance from the National Center for Communications Studies, a formal complaint has been filed with the Dispute Resolution Committee.

Professor Pelzman reported that Professor Schechter, Chair of the Dispute Resolution Committee, has recused himself from the above two cases. The Executive Committee appointed Professor Spanogle as Acting Chair of the Dispute Resolution Committee in his place, and will appoint a replacement for him on the Committee.

(2) FACULTY ASSEMBLY

The Faculty Assembly on February 1, 1996, approved Faculty Assembly Resolution 95/1 to amend the Faculty Organization Plan to increase the number of Elliott School Senate seats from one to two effective February 29, 1996. The Board of Trustees approved this resolution on February 8, 1996.

(3) APRIL SENATE MEETING

Some agenda items for the April 12th Senate meeting are:

- Report on the Progress of the Child Care Center
- Election of the new Executive Committee of the Faculty Senate for the 1996-97 Session
- Establishment of a special committee to review the Faculty Code grievance procedures
- Election of faculty for appointment by the President to administrative committees

(4) ANNOUNCEMENTS

The next meeting of the Executive Committee is Friday, March 29, 1996. Reports or resolutions for the April Senate meeting should be received by the Executive Committee before that date.

Christopher H. Sterling
Associate Dean for Graduate Affairs

Columbian School of Arts and Sciences
The George Washington University
Phillips Hall 107
801 22nd Street, NW
Washington, DC 20052

202-994-6211 voice
202-994-6213 fax
chris@gwis2.circ.gwu.edu

to: Phil Klubes
fax 4-8870

from: CHS 

re: biomedical sheet for admissions letters

date: 20 Feb 96

Phil:

Thanks for letting us look at this--I've made a few marks on it for what I think is added clarity--but I may be wrong!

- does the core add up to 23 hours? Seems an odd amount, but that is what I add up from what you gave me.

- we think there should be an opening line somewhere that makes reference to the fact this remains a 72-hour degree program all told. (Might note as well that the specialization--your last paragraph--takes up xx hours of the 72 hour total).

- Note I have suggested a re-ordering of your paragraphs. Seems to me the organ function/homostasis course should come under the first course, followed by the skills and lab rotation thing. Does latter carry no credit, as seems to be indicated here?

- Another possible way to orient this thing--if the curriculum group has progressed far enough--would be to lay it out by year to show what is taken when.

At any rate, we hope these comments help!

attach: your info sheet on core curriculum

23 credit hour

THE BIOMEDICAL SCIENCES CORE CURRICULUM

In the Fall semester of 1996, a new core curriculum for Biomedical Sciences doctoral students will be initiated. It centers around a comprehensive course on Cellular and Molecular Biology that is complemented by practice-oriented components.

Cellular and Molecular Biology. This will be a sixteen credit hour program that spans the Fall and Spring semesters. Six of the eight hours per week will be didactic and the other two will be discussions of current literature and problem sets. The course is broken into four modules. The first module, **Macromolecular Interactions - Proteins**, begins with the biochemistry of protein families, how proteins are studied in normal and abnormal states, and discusses the functions of proteins as enzymes, receptors, motors, etc. The second module, **Macromolecular Interactions - Nucleic Acids and Information Processing**, discusses DNA and RNA, and the systems that process, recognize, and forward the information stored in these biopolymers. Membrane structure and function, with particular emphasis on signal transduction mechanisms, is also included. The third module is **Cell Biology** in which the structure and function of the cell and its nucleus are described. The cytoskeleton is investigated, and the nature of cell-cell and cell-matrix interactions are further explored. The fourth module is **Development and Immunology**, where topics from gametogenesis to organogenesis are covered, along with a description of the immune system and its role in infectious diseases and transplantation.

Scientific Career Skills. This course occupies one hour in the Fall and Spring semesters for the first two years of the doctoral program. It includes topics of importance to scientists, ranging from the ethics of animal experiments, to biostatistics, to writing and speaking skills, to learning about a wide range of career choices.

Laboratory Rotations. In the first Fall, Spring, and Summer semesters, students will rotate through a total of three laboratories. Each rotation will emphasize methodologies in order to develop essential laboratory skills, but will also provide orientations to the research that is ongoing in the mentors' laboratories.

Organ Function and Homeostasis. A course in the Summer semester following the Cellular and Molecular Biology program. Here, the ways that cells are organized into functional organs are described with a particular emphasis on the various mechanisms of homeostasis in human physiology.

In the second year of the program, students will choose to specialize in one of five programmatic areas of Ph.D. study: Biochemistry and Molecular Biology; Genetics; Molecular and Cellular Oncology; Neuroscience; or Pharmacology. They will take advanced courses in this area and begin their dissertation research projects.

The full Ph.D program requires 72 full hours of post-bachelor's level work

RESOLUTION

Whereas the Communication Program's separation from the National Center for Communication Studies leaves the Center with three curricular programs, all of which relate principally to mediated communication; and

Whereas all of the curricular programs of the National Center relate in whole or in part to the larger public context in which mediated communication occurs, to the character and importance of decisions regarding the content and style of mediated communication, and to the societal implications of those decisions when made; and

Whereas the National Center for Communication Studies has repeatedly been urged by the Office of Enrollment Management and other administrative units of the University to adopt a name with greater appeal to prospective students and one more broadly emblematic of the full range of the Center's activities; and

Whereas a precedent has now been established for the creation of "schools within schools" in the University's academic administrative structure;

Therefore Be It Resolved that this unit be renamed as the School of Media and Public Affairs; and

Be It Further Resolved that nothing in this request represents a change in status of any kind with respect to the standing of this unit within the Columbian School of Arts and Sciences or to its relationship with the faculty or administration thereof.

Notes to the Name-Change Resolution

- Resolution was passed by the Center's faculty on August 29, 1995 and approved -- after extended discussion -- by the Dean's Council of the Columbian School of Arts and Sciences on October 20, 1995. President Trachtenberg and Interim Vice President Salamon are pleased to endorse the resolution.
- A growing off-campus master's program in Telecommunication is led by Center faculty, and the group is currently designing a new master's program in Media and Public Affairs. Additional offerings may develop over time.
- The first 'Whereas' clause refers to the separation from the Center, as of July 1, 1995, of the undergraduate major in communication, which focuses largely on interpersonal and small-group communication that does not employ media. That restructuring made the term "Public Affairs" fully appropriate.
- The fourth "Whereas" clause refers to GW's formal adoption, during 1994 - '95, of the Graduate School of Political Management, which now operates under the aegis of Arts and Sciences.

Approved by the Board of Trustees on February 8, 1996

PROPOSAL
to change the name of
NATIONAL CENTER FOR COMMUNICATION STUDIES
to the
SCHOOL OF MEDIA AND PUBLIC AFFAIRS

BACKGROUND

When President Trachtenberg came to the University, he brought the intuition that politics and the media intersect in Washington as nowhere else -- and that GW had given insufficient attention to that confluence, which has had extraordinary appeal to young people ever since the Watergate era. Over the last half dozen years, the University has steadily been about the business of building our educational ventures in that arena, beginning by bringing together scattered small undergraduate departments into one enterprise. The departments of Journalism, Radio/TV, Speech Communication, and a recent program in Political Communication were brought together into the National Center for Communication Studies.

The name chosen was always somewhat misleading: 'Center', in academic parlance, normally indicates a research center that rarely includes degree programs, virtually never undergraduate majors. 'National' reflects what was, at the time of founding in 1991, an aspiration rather than an existing condition.

The Center has, however, made substantial progress. It has focused its efforts more clearly on the mass media and their impact (thus speech communication has moved from under this aegis). It has made some strong appointments: Carl Stern will be joining the full-time faculty of GW this Fall. And it is engaged in serious program development: a growing off-campus master's program in Telecommunication is led by Center faculty, and the group is currently designing a new master's program in Media and Public Affairs. Additional offerings may develop over time.

Meanwhile, The University is determined to proceed with a new communications building, albeit on a somewhat smaller scale than the proposed WETA partnership envisioned. We need to take the academic step forward that will match the new space: creating a more visible, energetic, growing program. To provide academic, as well as physical, room to grow, the University faculty and administration seek to change the name of the enterprise to the GW School of Media and Public Affairs. For the immediate future, the change is only in the name: the School will remain under the large umbrella of Arts and Sciences.

Enclosed is the action taken by the relevant faculty.

THE GEORGE WASHINGTON UNIVERSITY
Washington, DC

The Faculty Senate

February 26, 1996

The Faculty Senate will meet on Friday, March 8, 1996, at 2:10 p.m., in the Elliott Room, University Club, 3rd Floor, Marvin Center.

AGENDA

1. Call to order
2. Short recess for the purpose of having a group photograph taken of the 1995-96 Faculty Senate
3. Approval of the minutes of the regular meeting of January 19, 1996 (previously distributed)
4. Resolutions:
 - (a) A RESOLUTION ON THE ROLE OF FACULTY IN THE ACCREDITATION OF ACADEMIC PROGRAMS (95/7); Professor Lilien F. Robinson, Chair, Professional Ethics and Academic Freedom Committee (Resolution 95/7 attached)
 - (b) A RESOLUTION OF THE FACULTY SENATE REGARDING PROPOSED REVISIONS TO THE CODE OF STUDENT CONDUCT (95/8), with draft of proposed Code; Professor Joseph A. Tropea, Faculty Co-Chair, and Mr. Scott Mory, Student Co-Chair, Joint Committee of Faculty and Students (Resolution 95/8 with Draft of Proposed Code of Student Conduct attached)
5. Introduction of Resolutions
6. Report on One Card by Louis H. Katz, Vice President and Treasurer
7. Report by Adla D. Ismeail, Manager, NIH Credit Union
8. General Business:
 - (a) Nomination for election of the following nominees to the Nominating Committee for the 1996-97 Executive Committee: Professors Lawrence E. Mitchell, (Law) Convenor; Yvonne Captain (CCSAS), Mervyn L. Elgart (SMHS), Ernest J. Englander (SBPM), Robert J. Harrington (SEAS), Dennis H. Holmes (GSEHD), and Joseph Pelzman (ESIA)

(b) Report of the Executive Committee: Professor Joseph Pelzman, Chair

(c) Interim Reports of Senate Committee Chairs

9. Brief Statements (and Questions)

10. Adjournment

A handwritten signature in cursive script that reads "Brian Selinsky". The signature is written in dark ink and is positioned above the printed name and title.

Brian Selinsky
Secretary

[Any inquiries about this resolution should be directed to Professor Lilien F. Robinson, Chair, Professional Ethics and Academic Freedom Committee, Ext. 4-7904.]

A RESOLUTION ON THE ROLE OF FACULTY IN THE ACCREDITATION OF ACADEMIC PROGRAMS (95/7)

WHEREAS, accreditation of academic programs, departments or schools form a vital component in the reputation and continued health and growth of the University; and

WHEREAS, the faculty of programs, departments or schools being accredited have a special responsibility for and must play a pivotal role in such accreditation due to their particular expertise; and

WHEREAS, the administration of the University and of the School in which the programs or departments being accredited principally reside necessarily provide data and otherwise communicate with the appropriate accrediting bodies from time to time, such communications being frequently critical to the successful accreditation of programs; **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the faculty of programs, departments or schools being accredited or re-accredited or their designated faculty representative(s), be consulted and fully informed in advance with regard to all outgoing substantive communications with accrediting bodies and be advised in a timely manner of all incoming substantive communications from these accrediting bodies.

**Professional Ethics and Academic Freedom Committee
February 14, 1996**

[Any inquiries about this resolution should be directed to Professor Joseph A. Tropea, Faculty Co-Chair, and Mr. Scott Mory, Student Co-Chair of the Joint Committee of Faculty and Students, Ext. 4-6345/4-7100.]

A RESOLUTION OF THE FACULTY SENATE REGARDING PROPOSED REVISIONS TO THE CODE OF STUDENT CONDUCT (95/8)

WHEREAS, there is currently a proposal for revisions to the Code of Student Conduct being put forward by the Office of the Dean of Students; and

WHEREAS, these revisions have been designed for the purpose of improving the Code of Student Conduct by addressing deficiencies arising from the subsequent passage of the Drug Free Schools and Communities Act, and the Student Rights to Know Act; and

WHEREAS, the proposed revisions will clarify several points of procedure in the hearing process by making them less legalistic, thereby further enabling hearing bodies to hold students accountable for determined destructive behavior; and

WHEREAS, the Joint Committee of Faculty and Students and Student Association have already endorsed the attached proposal for revisions to the Code of Student Conduct; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

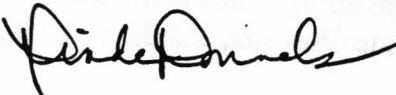
That the Faculty Senate approves the proposed revisions and urges the President of the University and Board of Trustees to approve them as well.

**Joint Committee of Faculty and Students
January 26, 1996**

**THE GEORGE WASHINGTON UNIVERSITY
DEAN OF STUDENTS OFFICE
INTERDEPARTMENTAL MEMORANDUM**

DATE: February 16, 1996

TO: The George Washington University Faculty Senate

FROM: Linda Donnels, Dean of Students 

RE: Code of Student Conduct--Revisions and Overview of Review Process

The Code of Student Conduct was adopted by the University in 1988. Since that time, passage of the Drug-Free Schools and Communities Act, the Student Right to Know Act and its subsequent amendments to include specific accountability with regard to sexual assault, have made our Code less viable.

In 1992, the first working group of faculty, students, administrators, coordinated by Student Judicial Services, convened to draft a new code. The group reconvened, with additional members in 1993. The work was reviewed by University Counsel, the Assistant Dean of Students, and finally the Committee on the Judicial System in 1994 which suggested appropriate amendments and modifications. Also in 1994, the draft of the Code was reviewed by the Joint Committee, but a resolution to endorse was not sought.

The language of the current Code is needlessly legalistic generally producing argument over points of procedure rather than providing the opportunity for discussion of community values. Too often, the lack of specificity has left hearing bodies unable to hold students accountable for behavior board members felt was destructive.

While the original Code stated that its goal was to articulate a philosophy of fundamental fairness, in practice, procedures have been cumbersome, redundant, and often dogmatic. In drafting the new Code, every effort has been made to simplify procedure and to enhance student/user access.

The Joint Committee reviewed the draft, made appropriate changes and passed the accompanying Resolution on January 26, 1996, urging passage of the document by the Faculty Senate.

**RESOLUTION OF THE JOINT COMMITTEE OF FACULTY AND STUDENTS
REGARDING PROPOSED REVISIONS TO THE CODE OF STUDENT CONDUCT**

WHEREAS there is currently a proposal for revisions to the Code of Student Conduct being put forward by the Office of the Dean of Students, and;

WHEREAS these revisions have been designed for the purpose of improving the Code of Student Conduct by addressing deficiencies arising from the subsequent passage of the Drug Free Schools and Communities Act, and the Student Right to Know Act, and;

WHEREAS the proposed revisions will clarify several points of procedure in the hearing process by making them less legalistic, thereby further enabling hearing bodies to hold students accountable for determined destructive behavior,

BE IT RESOLVED that the Joint Committee of Faculty and Student endorses the attached proposal for revisions to the Code of Student Conduct and urges the Faculty Senate to approve it as well.

Joint Committee of Faculty and Students
January, 1996



STUDENT ASSOCIATION

SENATE RESOLUTION
SPRING 1996 - I

SPONSORS: Scott Mory, CSAS-U
Damian McKenna, SEAS-U
Mark Reynolds, President

"A Resolution Endorsing Proposed Amendments to the Code of Student Conduct"

WHEREAS the Dean of Students Office has recently introduced several amendments to the Code of Student Conduct, and

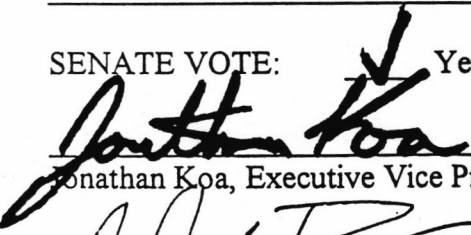
WHEREAS these amendments are designed to improve the Code of Student Conduct by addressing deficiencies which have arisen since the Code was first written, as well as to address new requirements of law such as the Drug Free Schools and Communities Act and the Student Right to Know Act, and

WHEREAS these amendments have been developed in consultation with the Student Association and Faculty Senate over the past three years, and

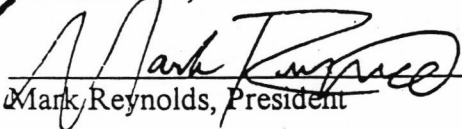
WHEREAS the Joint Committee of Faculty and Students has already endorsed the amendments,

THEREFORE BE IT RESOLVED by The George Washington University Student Association to endorse the proposed amendments to the Code of Student Conduct, and urge the Faculty Senate to do so as well.

SENATE VOTE: ☒ Yea ☐ Nay ☐ Abstain


Jonathan Koa, Executive Vice President

2/20/96
Date


Mark Reynolds, President

2/20/96
Date

VETO / APPROVE

SECRET

CONFIDENTIAL

Page 2 of 2

On 10/10/19, the following information was received from the source:

The source has been advised that the information is reliable.

It is recommended that the information be used for your information only.

Very truly yours,
[Signature]
[Name]
[Title]

DRAFT

PROPOSED CODE OF STUDENT CONDUCT

Submitted by: Linda Donnels, GWU Dean of Students

revised draft approved by JCFS: 1/26/96

CODE OF STUDENT CONDUCT

REVISED 1/96

ADOPTED 5/88

Authority for Student Discipline

1. Ultimate authority for student discipline is vested in the Board of Trustees by the University Charter. Disciplinary authority may be delegated to University administrators, faculty members, student committees, and organizations, as set forth in the Code of Student Conduct ("Code"), or in other appropriate policies, rules, or regulations adopted by the Board. Students are asked to assume positions of responsibility in the University judicial system so that they may contribute their skills and insights to the resolution of disciplinary cases.

Authority for Student Discipline

1. Ultimate authority for student discipline is vested in the Board of Trustees by the University Charter. Disciplinary authority may be delegated to University administrators, faculty members, committees, and organizations, as set forth in this Code, or in other appropriate policies, rules, or regulations adopted by the Board. Students are asked to assume positions of responsibility in the University judicial system in order that they might contribute their skills and insights to the resolution of disciplinary cases.

Rationale

2. The primary purpose for the maintenance of discipline in the University setting is to protect the campus community and to establish clearly standards for civil interaction among community members. The University's goal, through maintenance of standards set forth in the Code, is to help students experience democratic citizenship, and its attendant obligations and responsibilities.

The purpose of a disciplinary proceeding is to establish the factual record regarding an alleged violation of the Code. The procedures outlined do not attempt to recreate or approximate a court of law. Procedures shall reflect standards of fundamental fairness; however, minor deviation from procedural guidelines for hearings suggested in this Code shall not invalidate a decision or proceeding resulting from conference or hearing unless significant prejudice to the accused or the University may result, as judged by the Assistant Dean of Students.

Rationale

2. The primary purpose for the imposition of discipline in the University setting is to protect the campus community. Consistent with that purpose, reasonable efforts will also be made to foster the personal, educational, and social development of those students who are held accountable for violations of University regulations.

Commentary

The University must commit its policies and procedures first of all to protect and promote the academic enterprise. Consequently, it may be necessary to suspend or expel students who have been found responsible for violations of this Code, or who otherwise pose a substantial danger to the campus community.

Any punishment imposed in accordance with this Code may also have the value of discouraging the offender and others from engaging in future misbehavior. In cases of minor disciplinary violations, the particular form of punishment may be designed to draw upon the educational resources of the University in order to bring about a lasting and reasoned change in behavior. However, the underlying rationale for punishment need not rest on deterrence or "reform" alone. A just punishment may also be imposed because it is deserved and because punishment for willful offenses affirms the autonomy and integrity of the offender.

CODE OF STUDENT CONDUCT

REVISED 1/96

Authority for Student Discipline

1. Ultimate authority for student discipline is vested in the Board of Trustees by the University Charter. Disciplinary authority may be delegated to University administrators, faculty members, student committees, and organizations, as set forth in the Code of Student Conduct ("Code"), or in other appropriate policies, rules, or regulations adopted by the Board. Students are asked to assume positions of responsibility in the University judicial system so that they may contribute their skills and insights to the resolution of disciplinary cases.

ADOPTED 5/88

Authority for Student Discipline

1. Ultimate authority for student discipline is vested in the Board of Trustees by the University Charter. Disciplinary authority may be delegated to University administrators, faculty members, committees, and organizations, as set forth in this Code, or in other appropriate policies, rules, or regulations adopted by the Board. Students are asked to assume positions of responsibility in the University judicial system in order that they might contribute their skills and insights to the resolution of disciplinary cases.

i) The term "weapon" means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, explosives, pellet guns, slingshots, martial arts devices, brass knuckles, switchblades, bowie knives, daggers or similar knives, and chemicals such as "mace" or tear-gas. A harmless instrument designed to look like a firearm, explosive, or weapon, which is used by a person to cause reasonable apprehension of harm or to assault another person, is expressly included within the meaning of weapon.

j) The term "University-sponsored activities" means events and activities initiated by a student, student group or organization, or University department, faculty member or employee which:

1. Are expressly authorized, aided, conducted or supervised by the University; or
2. Are funded in whole or in part by the University; or
3. Are initiated by an officially-registered student organization and conducted or promoted in the name of that student organization and/or the University; or
4. Take place on University premises.

k) The terms "will" or "shall" are used in the imperative sense.

Interpretation of Regulations

4. The purpose of publishing disciplinary regulations is to inform students of prohibited behavior. This Code is not written with the specificity of a criminal statute.

Interpretation of Regulations

4. The purpose of publishing disciplinary regulations is to give students notice of prohibited behavior. This Code is not written with the specificity of a criminal statute.

Inherent Authority

5. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include taking disciplinary action against those students whose behavior off University premises indicates that they pose a serious and substantial danger to others.

The University will not routinely invoke the disciplinary process for student misbehavior occurring off University premises. Nonetheless, it will be necessary to endeavor to protect the campus community when there are reasonable grounds to believe that a student may pose a substantial danger to others.

Although "substantial danger" may be manifested by a pending criminal charge (usually relating to a crime of violence, burglary, substantial theft or fraud, the sale of illegal drugs, or the possession of substantial quantities of illegal drugs), such a charge is not necessary for the University to invoke its inherent authority.

6. Students may be accountable both to civil authorities and to the University for acts that constitute violations of law and of this Code. Disciplinary action at the University will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced or that no criminal charges have been brought.

Inherent Authority

5. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include taking disciplinary action against those students whose behavior off University premises indicates that they pose a serious and substantial danger to others.

Commentary

The University will not routinely invoke the disciplinary process for student misbehavior occurring off University premises. Nonetheless, it will be necessary to endeavor to protect the campus community when there are reasonable grounds to believe that a student may pose a substantial danger to others. Normally, such "substantial danger" will be manifested by a pending criminal charge, usually relating to a crime of violence, burglary, substantial theft or fraud, the sale of illegal drugs, or the possession of substantial quantities of illegal drugs.

6. Students may be accountable to both civil authorities and to the University for acts that constitute violations of law and of this Code. Disciplinary action at the University will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

Interpretation of Regulations

4. The purpose of publishing disciplinary regulations is to inform students of prohibited behavior. This Code is not written with the specificity of a criminal statute.

Interpretation of Regulations

4. The purpose of publishing disciplinary regulations is to give students notice of prohibited behavior. This Code is not written with the specificity of a criminal statute.

Standards of Classroom Behavior

9. The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the instructor to leave the class for the remainder of the class period. Longer suspensions from a class, or dismissal on disciplinary grounds, must be preceded by a disciplinary conference or hearing, as set forth in Articles 25 and 26 of this Code, or in accordance with Articles 7 and 8 above.

The term "prohibited...acts" includes behavior prohibited by the instructor (including, but not limited to, smoking in the classroom, persistently speaking without being recognized or called upon, refusing to be seated, disrupting the class by leaving and entering the room without authorization.) It must be emphasized that this provision is not designed to be used as a means to punish classroom dissent. The expression of a disagreement with the instructor or classmates is not in itself disruptive behavior.

Standards of Classroom Behavior

9. The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from a class, or dismissal on disciplinary grounds, must be preceded by a disciplinary conference or hearing, as set forth in Parts 29 and 30 of this Code, or in accordance with Parts 7 and 8.

Commentary

The term "prohibited...acts" would include behavior prohibited by the instructor (e.g., smoking in the classroom, persistently speaking without being called upon, refusing to be seated, disrupting the class by leaving and entering the room without authorization, etc.). It must be emphasized that this provision is not designed to be used as a means to punish classroom dissent. The lawful expression of a disagreement with the instructor is not in itself disruptive behavior.

Office of Student Judicial Services

10. The Office of Student Judicial Services within the Dean of Students Office directs the efforts of students and staff members in matters involving student discipline. The responsibilities of the Office include:

- a) Determining the disciplinary charges to be filed according to this Code;
- b) Interviewing, advising, and assisting parties involved in disciplinary proceedings and arranging for a balanced presentation before the various judicial boards on a timely basis;
- c) Training and advising the campus judiciary;
- d) Maintaining all student non-academic disciplinary records;
- e) Developing procedures for conflict resolution;
- f) Conducting disciplinary conferences;
- g) Collecting and disseminating research and analysis concerning student conduct.
- h) Resolving cases of student misconduct, including the imposition of sanctions lesser than suspension or expulsion.

Office of Judicial Affairs

10. The Office of Judicial Affairs within the Dean of Students Office directs the efforts of students and staff members in matters involving student discipline. The responsibilities of the Office include:

- a) Determining the disciplinary charges to be filed pursuant to this Code.
- b) Interviewing, advising, and assisting parties involved in disciplinary proceedings and arranging for a balanced presentation before the various judicial boards.
- c) Training and advising the campus judiciary.
- d) Maintaining all student non-academic disciplinary records.
- e) Developing procedures for conflict resolution.
- f) Resolving cases of student misconduct, as specified in Part 29 of this Code.
- g) Collecting and disseminating research and analysis concerning student conduct.
- h) Submitting a report each semester to the campus community, indicating the number of cases referred to the Office, the number of cases resulting in disciplinary action, and the range of sanctions imposed.

Prohibited Conduct

11. **Violence of any kind will not be tolerated on or off University premises or at University-sponsored activities.** Any student found to have committed misconduct is subject to disciplinary action and to the sanctions outlined in this Code. Attempts to commit any of these acts of misconduct are included in the scope of these definitions. The following are examples of misconduct which are subject to disciplinary action when they occur on University premises or at University sponsored events:

a) **Rape** - Engaging in sexual intercourse with any person without that person's consent. Such sexual intercourse is "without consent" when inflicted through the use of force or the threat of force, or upon a person who has refused consent, who is unconscious or who is otherwise without capacity to consent.

b) **Sexual Assault** - Inflicting a sexual invasion other than sexual intercourse upon any person without that person's consent. Such sexual invasion is "without consent" when inflicted through the use of force or the threat of force, or upon a person who has refused consent, who is unconscious or who is otherwise without capacity to consent.

c) **Physical Abuse** - Physical abuse and/or battery of any person.

d) **Assault** - Placing a person in fear of imminent physical danger or injury through the use of verbal or physical threats.

e) **Sexual Harassment** - Committing sexual harassment against another person. "Sexual harassment" means sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1) Submission to such conduct is made explicitly or implicitly a term or condition of academic performance or advancement or employment; or

2) Submission to or rejection of such conduct by an individual is used as a basis for a decision relating to the academic performance or advancement or employment of the individual; or

3) A person knows or should have known that such conduct is unwelcome and that the conduct has the purpose or effect of:

Prohibited Conduct

11. The following misconduct is subject to disciplinary action:

a) Intentionally or recklessly endangering, threatening, or causing physical harm to any person on University premises or at University-sponsored activities, or intentionally or recklessly causing reasonable apprehension of such harm.

b) Unauthorized use, possession or storage of any weapon or explosive on University premises or at University-sponsored activities, whether or not a federal or state license to possess the same has been issued to the possessor.

c) Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on University premises or at University-sponsored activities.

d) Intentionally or recklessly interfering with normal University or University-sponsored activities, including but not limited to, studying, teaching, research, and University administration or fire, police, or emergency services.

e) Knowingly violating the terms of any disciplinary sanction imposed in accordance with this Code.

f) Intentionally furnishing false information to the University.

g) Unauthorized distribution or possession for the purpose of distribution of any controlled substance or illegal drug on University premises or at University-sponsored activities.

h) Forgery, unauthorized alteration, or unauthorized use of any University non-academic document or instrument of identification.

i) Intentionally or recklessly misusing or damaging fire safety equipment.

j) Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored activities.

k) Theft of property or of services on University premises or at University-sponsored activities; knowing possession of stolen property on University premises or at University-sponsored activities.

Office of Student Judicial Services

10. The Office of Student Judicial Services within the Dean of Students Office directs the efforts of students and staff members in matters involving student discipline. The responsibilities of the Office include:

- a) Determining the disciplinary charges to be filed according to this Code;
- b) Interviewing, advising, and assisting parties involved in disciplinary proceedings and arranging for a balanced presentation before the various judicial boards on a timely basis;
- c) Training and advising the campus judiciary;
- d) Maintaining all student non-academic disciplinary records;
- e) Developing procedures for conflict resolution;
- f) Conducting disciplinary conferences;
- g) Collecting and disseminating research and analysis concerning student conduct.
- h) Resolving cases of student misconduct, including the imposition of sanctions lesser than suspension or expulsion.

Office of Judicial Affairs

10. The Office of Judicial Affairs within the Dean of Students Office directs the efforts of students and staff members in matters involving student discipline. The responsibilities of the Office include:

- a) Determining the disciplinary charges to be filed pursuant to this Code.
- b) Interviewing, advising, and assisting parties involved in disciplinary proceedings and arranging for a balanced presentation before the various judicial boards.
- c) Training and advising the campus judiciary.
- d) Maintaining all student non-academic disciplinary records.
- e) Developing procedures for conflict resolution.
- f) Resolving cases of student misconduct, as specified in Part 29 of this Code.
- g) Collecting and disseminating research and analysis concerning student conduct.
- h) Submitting a report each semester to the campus community, indicating the number of cases referred to the Office, the number of cases resulting in disciplinary action, and the range of sanctions imposed.

- n) Theft - Theft of property or of services or knowing possession of stolen property.
- o) Destruction of Property - Destroying or damaging University property, such as library holdings, or the property of others.
- p) Non-compliance - Failure to comply with directions of University officials, including University Police officers, acting in performance of their duties. Directives to cooperate in the administration of this Code including those to appear and give testimony at a University disciplinary proceeding as well as directives to produce identification are included in the scope of this provision.
- q) Regulation Violation - Any violation of other published University regulations including, but not limited to, The Alcoholic Beverage Consumption and Distribution Policy, regulations governing student organizations, the Residence Hall Rules and Regulations and other lease agreements with the University, the Code of Computer Usage, and the Gelman Library Rules and Regulations.
- r) Fireworks Violation - Use or possession of fireworks.
- s) Violation of Law - Violation of federal and/or local law, including, but not limited to, possession of any falsified identification; manufacture, sale or distribution of local, state or federal identification.
- t) Unauthorized Use of the University's Name - Any unauthorized commercial use of the University's name, logo, or other representation.
- u) Disorderly Conduct - Any act of disorderly conduct including, but not limited to, unreasonable disturbance, trespassing on the rights of others, or any lewd or indecent behavior.
- v) Verbal Abuse - Verbal abuse of University officials acting in performance of their duties. University officials include all persons in the employ of the University, both volunteer and paid.
- w) Hazing - Any act of hazing. Hazing is defined as any action taken or situation created, intentionally, with or without consent, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment or ridicule. Such activities and situations include but are not limited to paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips, or any other such activities carried on

on outside the confines of the house or organization; wearing, publicly, apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with the academic mission of the University. Groups will be held responsible for the actions of their members including pledges, associates, and any other pre-initiates.

Individuals will be charged, in addition to the group itself, under this, as well as any other applicable violations. See sections 28 and 29 for further information regarding this prohibition.

x) Discrimination - Committing any of the above acts because of a person's race, color, religion, sex, national origin, age, disability, veteran status, or sexual orientation.

Sanctions

12. This Code seeks to preserve flexibility in the imposition of sanctions so that each student or group offender is afforded the greatest possibility for appropriate and just treatment.

Significant mitigating or aggravating factors shall be considered, which may include the current demeanor and the presence or lack of a disciplinary or criminal record of the offender as well as the nature of the offense and the extent of any damage, injury, or harm resulting from it.

a) Censure - An official written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct will be cause for additional disciplinary action.

b) Disciplinary Probation - Exclusion from participation in privileged or extracurricular institutional activities for a specified period of time, including athletic and any other team activity or sport. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation, will normally result in suspension or expulsion from the University.

c) Restitution - Repayment to the University or to an affected party for damages, loss or injury resulting from a violation of this Code.

d) Suspension - Exclusion from classes and other privileges or activities, including access to University premises or University-sponsored activities off campus, as set forth in the notice of suspension, for a specified period of time. Any student who is suspended shall not be entitled to any tuition or fee refund, and is barred from University premises.

e) Expulsion - Termination of student status and exclusion from University privileges and activities, including access to University premises or University-sponsored activities off campus, in perpetuity. Any student who is expelled shall not be entitled to any tuition or fee refund, and is barred from University premises.

f) Eviction from Residence - Termination of residence contract and exclusion from visiting within certain or all residence facilities as set forth

Sanctions

12. a) Warning: Notice, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

b) Censure: A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

c) Disciplinary Probation: Exclusion from participation in privileged or extracurricular institutional activities for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation, will normally result in suspension or expulsion from the University.

d) Restitution: Repayment to the University or to an affected party for damages resulting from a violation of this Code.

e) Suspension: Exclusion from classes and other privileges or activities as set forth in the notice for a definite period of time not to exceed one year.

f) Expulsion: Termination of student status and exclusion from University privileges and activities.

g) Other Sanctions: Other sanctions may be imposed instead of or in addition to those specified in sections (a) through (f) of this part. For example, students may be subject to eviction from University housing for disciplinary violations that occur in the residence halls. Likewise, students may be subject to restrictions upon or denials of University parking privileges for violations involving the use or registration of motor vehicles on campus. Service or research projects may also be assigned.

13. Violations of Part 11 (a) through (h) of this Code may result in expulsion from the University. Violations of Part 11 (i) through (m) of this Code may result in suspension from the University. Violations of Part 11 (n) through (p) of this Code may result in lesser sanctions as listed in Part 12. Significant mitigating factors shall be considered, which may include the present demeanor and past disciplinary record of the offender as well as the nature of the offense and the extent of any damage, injury or harm resulting from it.

on outside the confines of the house or organization; wearing, publicly, apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with the academic mission of the University. Groups will be held responsible for the actions of their members including pledges, associates, and any other pre-initiates.

Individuals will be charged, in addition to the group itself, under this, as well as any other applicable violations. See sections 28 and 29 for further information regarding this prohibition.

x) Discrimination - Committing any of the above acts because of a person's race, color, religion, sex, national origin, age, disability, veteran status, or sexual orientation.

2nd offense: \$100 fine and required assessment by a certified service at the student's expense;

3rd offense: conference with the Dean of Students or a designee to determine viability of student remaining at the University.

g) Possession or storage of a weapon or object that could be construed as a weapon: disciplinary probation and eviction from the residence halls and University-owned housing.

1) Use of weapons, ammunition or objects that could be construed as weapons: one semester suspension.

2) Use of firearms: one year suspension.

h) False alarm/report: \$300 resetting fee. Suspension from the University and/or eviction from the residence halls and University-owned housing.

i) Interfering with University events: censure.

j) Sanction violation: disciplinary probation.

k) Dishonesty: disciplinary probation.

l) Interfering with Freedom of Expression: censure.

m) Misuse of Fire/Safety Equipment: restitution.

n) Theft: restitution.

o) Destruction of property: restitution for cost of replacement or repairs; loss of privileges in libraries or computer or other laboratories.

p) Non-compliance: disciplinary probation.

q) Regulation violations: disciplinary probation, eviction from residence halls and University-owned housing; denial of computer privileges / access, loss of library privileges. In egregious cases, such as tampering with University computer records, student may be suspended for no less than one semester.

r) Fireworks Violation: eviction from residence and University-owned housing; restitution for cost of repairs.

s) Violation of law: disciplinary probation for acts including, but not limited to, possession of any

falsified means of identification; one semester suspension or, in egregious cases, expulsion for acts including, but not limited to, manufacture, sale, or distribution of local, state or federal means of identification.

t) Unauthorized Use of the University's Name: disciplinary probation.

u) Disorderly conduct: disciplinary probation and/or eviction from residence halls and University-owned housing.

v) Verbal abuse: disciplinary probation.

w) Hazing: for groups, loss of University registration and all attendant privileges; for individuals, disciplinary probation or any other sanction applicable for additional charges.

x) Discrimination: will not have a separate, minimum sanction since it will only be charged in conjunction with charges or other prohibited conduct.

14. Repeated or aggravated violations of any part of this Code may also result in expulsion or suspension or any other sanction that may be appropriate.

Articles 12 and 13 represent an attempt to give needed assistance to those who are assessing sanctions. The direction of the guidance is toward imposition of more severe disciplinary sanctions in serious cases. However, the language concerning "mitigating factors" is broad enough to give considerable discretion to do justice, depending upon the facts in each case. The burden of establishing mitigating factors is upon the student accused.

15. Attempts to commit acts prohibited by this Code, or encouraging others to commit acts prohibited by this Code shall be punished to the same extent as completed violations.

16. Students subject to eviction from University housing or suspension or expulsion from the University will be entitled to a judicial board hearing. Students subject to any other sanction will be entitled to an informal disciplinary conference. (See Sections 25 and 26)

Standards of Due Process

16. Students subject to suspension or expulsion from the University will be entitled to a judicial board hearing, as provided in Part 30 of this Code. Students subject to eviction from University housing will be entitled to a judicial board hearing, as provided in Part 30 of this Code. Students subject to any other sanction will be entitled to an informal disciplinary conference, as set forth in Part 29 of this Code.

17. The purpose of a disciplinary proceeding is to provide a fair evaluation of an accused's responsibility for violating disciplinary regulations. Although formal rules of evidence need not be applied, procedures shall comport with standards of fundamental fairness. Harmless deviations from the prescribed procedures shall not necessarily invalidate a decision or proceeding unless significant prejudice to a student respondent or the University may result.

falsified means of identification; one semester suspension or, in egregious cases, expulsion for acts including, but not limited to, manufacture, sale, or distribution of local, state or federal means of identification.

t) Unauthorized Use of the University's Name: disciplinary probation.

u) Disorderly conduct: disciplinary probation and/or eviction from residence halls and University-owned housing.

v) Verbal abuse: disciplinary probation.

w) Hazing: for groups, loss of University registration and all attendant privileges; for individuals, disciplinary probation or any other sanction applicable for additional charges.

x) Discrimination: will not have a separate, minimum sanction since it will only be charged in conjunction with charges or other prohibited conduct.

14. Repeated or aggravated violations of any part of this Code may also result in expulsion or suspension or any other sanction that may be appropriate.

Articles 12 and 13 represent an attempt to give needed assistance to those who are assessing sanctions. The direction of the guidance is toward imposition of more severe disciplinary sanctions in serious cases. However, the language concerning "mitigating factors" is broad enough to give considerable discretion to do justice, depending upon the facts in each case. The burden of establishing mitigating factors is upon the student accused.

15. Attempts to commit acts prohibited by this Code, or encouraging others to commit acts prohibited by this Code shall be punished to the same extent as completed violations.

16. Students subject to eviction from University housing or suspension or expulsion from the University will be entitled to a judicial board hearing. Students subject to any other sanction will be entitled to an informal disciplinary conference. (See Sections 25 and 26)

Case Referrals

17. Any person may refer students or student groups or organizations suspected of violating any part of this Code to the Office of Student Judicial Services and the University Police. Any person who witnesses a violation in progress should report this immediately to the University Police.

18. The Assistant Dean of Students or a designee will review the reported allegation to determine whether a sanction of suspension, eviction from housing, or expulsion is warranted. From that determination, a judicial board hearing or disciplinary conference will be scheduled based upon the terms in Sections 25 and 26. Any student, however, may elect to have a disciplinary conference. If a student entitled to a judicial board hearing elects a disciplinary conference, the full range of sanctions may be imposed, including, eviction, suspension, and expulsion; and the right to appeal the sanction of expulsion or suspension shall not be applicable. The penalty of eviction may not be appealed.

19. The Assistant Dean of Students or a designee may defer disciplinary proceedings for alleged violations of this Code for a period not to exceed one semester. Pending charges may be withdrawn thereafter, dependent upon the conduct of the accused student, or be added to any subsequent charges within the period of deferment.

Case Referrals

21. Any person may refer students or student groups or organizations suspected of violating this Code to the Assistant Dean of Students. Allegations of violations occurring within residence halls should be referred to the Director of Residential Life or a designee. Those referring cases are normally expected to serve as complainant and to present relevant evidence in disciplinary hearings or conferences. The Assistant Dean of Students may appoint a member of the campus community to serve as an advisor to the complainant. The role of the advisor shall be limited to consultation with the complainant.

Commentary

Several measures in the Code are designed to achieve balance in disciplinary proceedings, even in those cases in which the complainant is inexperienced with administrative adjudication:

- a) A special presiding officer may be appointed in complex or serious cases. See Part 30(o).
- b) The role of attorneys and advisors is restricted. See Part 31.
- c) The "disciplinary conference" procedure is designed to eliminate adversary proceedings in minor cases. See Part 29 and Commentary.

Hearing Referrals

22. The Assistant Dean of Students and the Director of Residential Life, in accordance with Part 21, will review appropriate case referrals to determine whether the alleged misconduct might result in expulsion or suspension from the University or eviction from housing. Students subject to those sanctions will be entitled to a hearing before the University Hearing Board. All other cases will be resolved after an informal disciplinary conference, as set forth in Part 29 of this Code.

23. Students referred for a hearing before the University Hearing Board may elect instead to have their cases resolved in accordance with Part 29 of this Code. The full range of sanctions may be imposed, including suspension or expulsion from the University, although the right of appeal as set forth in Parts 36-42 shall not be applicable.

24. The Assistant Dean of Students or a designee may defer disciplinary proceedings for alleged minor violations of this Code for a period not to exceed ninety days. Pending charges may be withdrawn thereafter, dependent upon the conduct of the respondent.

Judicial Boards

20. Judicial Bodies:

a) The Student Traffic Board considers offenses for which a ticket was issued by the Parking Office as well as other parking matters referred by the Parking Office. It may both impose and reduce prescribed fines or suspensions of parking privileges. The Board is composed of three full-time students. Traffic Board decisions are subject to administrative review at the discretion of the Assistant Dean of Students, but are otherwise considered final and conclusive. Requests for appeals of parking tickets must be submitted in writing to the Office of Parking Services within five business days from the date the ticket was issued. Failure to appeal within the allotted time will render the original decision final and conclusive.

b) The University Hearing Board hears all cases to be resolved in accordance with this Code. The Board is composed of five full-time students to be selected from the pool. The pool shall consist of at least 10 full-time students. If the alleged misconduct may result in suspension or expulsion from the University, whenever possible, a faculty member or administrator will be included; however, the absence of a faculty member or administrator will not prevent the University Hearing Board from hearing a case. Quorum will consist of at least three students.

c) When ordered by the Assistant Dean of Students, the Greek Judicial Board hears cases involving registered Greek letter organizations. The Board is composed of five full-time students representing both fraternities and sororities on the University campus. Quorum will consist of three members in attendance. A finding of fact will be forwarded to the Assistant Dean of Students or designee who will determine and impose a sanction. The Assistant Dean's decision will be final and conclusive. There is no appeal.

d) Ad Hoc Boards may be appointed by the Assistant Dean of Students whenever any board is not constituted, is unable to obtain a quorum, or is otherwise unable to hear a case. Ad Hoc Boards may be composed of administrators, faculty members, students, or any combination thereof. Reasonable efforts should be made to arrange for student membership on any Ad Hoc Board.

e) Committee on the Judicial System:

Judicial Boards

25. Hearings or other proceedings as provided in this Code may be held before the following boards or committees:

a) The Student Traffic Board considers offenses for which a ticket was issued by the Parking Office as well as adjudications of other parking matters referred by the University Parking Committee. It may both impose and reduce prescribed fines or suspensions of parking privileges. The Board is composed of five students, all of whom must be registered for parking during their term of office. Traffic Board decisions are subject to administrative review, at the discretion of the Assistant Dean of Students, but are otherwise considered final and conclusive.

b) The University Hearing Board hears all cases resolved in accordance with Part 30 of this Code. The Board is composed of five members, to be selected from a pool of eight full-time students, at least five of whom must reside in University housing, and two full-time members of the faculty. The Board shall include at least one faculty member if the alleged misconduct might result in suspension or expulsion from the University.

c) Ad Hoc Boards may be appointed by the Assistant Dean of Students whenever any board is not constituted, is unable to obtain a quorum, or is otherwise unable to hear a case. Ad hoc boards may be composed of administrators, faculty members, students, or any combination thereof. Reasonable efforts should be made to arrange for student membership on any ad hoc board.

26. Except as provided in Part 25(a) of this Code, the decisions of each judicial board shall be regarded as a recommendation to the Dean of Students or a designee. The Dean of Students may approve a sanction of suspension or expulsion from the University with the concurrence of the Vice President for Academic Affairs or a designee.

Hearing Referrals

22. The Assistant Dean of Students and the Director of Residential Life, in accordance with Part 21, will review appropriate case referrals to determine whether the alleged misconduct might result in expulsion or suspension from the University or eviction from housing. Students subject to those sanctions will be entitled to a hearing before the University Hearing Board. All other cases will be resolved after an informal disciplinary conference, as set forth in Part 29 of this Code.

23. Students referred for a hearing before the University Hearing Board may elect instead to have their cases resolved in accordance with Part 29 of this Code. The full range of sanctions may be imposed, including suspension or expulsion from the University, although the right of appeal as set forth in Parts 36-42 shall not be applicable.

24. The Assistant Dean of Students or a designee may defer disciplinary proceedings for alleged minor violations of this Code for a period not to exceed ninety days. Pending charges may be withdrawn thereafter, dependent upon the conduct of the respondent.

Selection and Removal of Judicial Board Members

22. Student members of each judicial board and the presiding officer are selected in accordance with procedures developed by the Assistant Dean of Students or a designee. Student members of each judicial board are appointed by the Dean of Students or a designee to serve for a term of one year. Faculty and administrative members of each judicial board are nominated by the Faculty Senate and the Dean of Students, respectively, and are appointed by the President for terms established by the Faculty Senate.

23. Members of any judicial pool who are charged with any violation of this Code or with a criminal offense will be suspended from their judicial positions by the Assistant Dean of Students or a designee during the pendency of the charges against them. Members found guilty of any such violation or criminal offense will be disqualified from any further participation in the University judicial system. Additional grounds and procedures for removal may be established by the Assistant Dean of Students.

24. Students, faculty and staff appointed as members of any Judicial board must adhere to absolute confidentiality relative to the matters and names of all individuals who participate in the judicial process. Any student who violates this provision will be charged, and if found in violation, will be sanctioned to the fullest extent.

Selection and Removal of Board Members

27. Members of each judicial board and the presiding officer are selected in accordance with procedures developed by the Dean of Students or a designee.

28. Members of any judicial board who are charged with any violation of this Code or with a criminal offense may be suspended from their judicial positions by the Dean of Students or a designee during the pendency of the charges against them. Members found guilty of any such violation or offense may be disqualified from any further participation in the University judicial system by the Dean of Students or a designee. Additional grounds and procedures for removal may be established by the Assistant Dean of Students.

Procedural Guidelines—Disciplinary Conferences

25. When deemed appropriate by violation, when requested by students in place of a judicial board hearing, or when used to adjudicate minor violations of residence hall regulations, the following procedural guidelines for a disciplinary conference will be used:

A disciplinary conference will normally consist of an informal, non-adversarial meeting between the accused student and a University administrator or an experienced member of the University Hearing Board as designated by the Assistant Dean of Students or the Administrator for Student Judicial Services. Respondents may request the Office of Student Judicial Services to call appropriate and relevant witnesses on their behalf.

The following guidelines apply to respondents in disciplinary conferences:

- a) Written notice of the specific charges and date of scheduled conference at least three days prior to the conference.
- b) Reasonable access to the case file at least three days prior to and during the conference. A case file is part of the student's education record under the Family Educational Rights and Privacy Act of 1974. The personal notes of University staff members are not included in the case file. The case file will be retained in the Office of Student Judicial Services.
- c) An opportunity to respond to the evidence and to call appropriate and relevant witnesses.
- d) A right to an advisor in accordance with the guidelines in Part 27.
- e) If a student entitled to a judicial board hearing elects a disciplinary conference, the full range of sanctions may be imposed, including eviction, suspension, and expulsion; and the right to appeal the sanction of expulsion or suspension shall not be applicable. The penalty of eviction is never appealable.

Procedure – Disciplinary Conference

29. Students accused of offenses that may result in penalties less than expulsion or suspension from the University or eviction from University housing are subject to a disciplinary conference in the Office of Judicial Affairs or in the Office of Residential Life, as provided in Part 19. The following procedural protections are provided to respondents in disciplinary conferences:

- a) Written notice of the specific charges at least three days prior to the scheduled conference.
- b) Reasonable access to the case file prior to and during the conference. The case file consists of materials that would be considered "educational records" pursuant to the Family Educational Rights and Privacy Act of 1974; personal notes of University staff members or complainants are not included.
- c) An opportunity to respond to the evidence and to call appropriate and relevant witnesses.
- d) A right to an advisor, but only if applicable under Part 31.

Commentary

The conference procedure is designed to reduce unnecessary proceduralism and contentiousness in disciplinary proceedings. A disciplinary conference will normally consist of an informal, nonadversarial meeting between the respondent and a University administrator or an experienced member of the University Hearing Board, as designated by the Assistant Dean of Students. Complainants are not required to participate, unless cross-examination is necessary to resolve a dispositive factual issue. Documentary evidence and written statements can be relied upon, so long as the respondent is given access to them in advance and allowed to respond to them at the conference. Respondents are also allowed to call appropriate and relevant witnesses.

Procedural Guidelines—Disciplinary Hearings

26. The following procedural guidelines shall be applicable in all disciplinary hearings:

a) Students accused of violations will be given written notice of the hearing date and the specific charges against them within a reasonable amount of time and will be given reasonable access to the case file which will be retained in the Office of Student Judicial Services.

b) The Office of Student Judicial Services will compel the attendance of witnesses whose testimony may help the University Hearing Board to establish the factual record. Failure to appear when called will result in charges under this Code. Character witnesses will not be heard.

c) Accused students who fail to appear after written notice will be deemed not to have contested the allegations against them; however, a student may elect not to speak on his/her own behalf. In such cases, the University Hearing Board's decision will be based solely on witness testimony and other written information presented during the proceeding.

d) Hearings will be closed to the public.

e) The presiding officer will exercise control over the proceedings to maintain proper decorum, to avoid needless consumption of time and to achieve an orderly completion of the hearing. Anyone disrupting the hearing may be removed or excluded from the hearing by the presiding officer, the Assistant Dean of Students, or a designee. Such disruption is a violation of this Code, and an individual may be charged following his/her disruption and removal.

f) Hearings will be tape-recorded or transcribed. The method used is at the discretion of the Assistant Dean of Students.

g) Any party may challenge a Board member on the grounds of personal bias. The decision to disqualify a Board member will be made by the Assistant Dean of Students or a designee. This decision is final.

h) Witnesses will be truthful in giving testimony before the Board. Furnishing false information in such a context is a violation of this Code and appropriate sanctions will be applied.

i) Only the immediate parties to the alleged

Procedure — Disciplinary Hearings

30. The following procedural guidelines shall be applicable in disciplinary hearings:

a) Respondents shall be given notice of the hearing date and the specific charges against them at least five calendar days in advance and shall be accorded reasonable access to the case file, which will be retained in the Office of Judicial Affairs.

b) The presiding officer may subpoena witnesses upon the motion of any board member or of either party and shall subpoena witnesses upon request of the Assistant Dean of Students. Subpoenas must be approved by the Assistant Dean of Students, and shall be personally delivered or sent by certified mail, return receipt requested. University students and employees are expected to comply with such subpoenas, unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.

c) Respondents who fail to appear after proper notice will be deemed to have pled no contest to the charges pending against them. Nonetheless, the complainant will be required to present a prima facie case.

d) Hearings will be closed to the public, unless the respondent requests the presence of an advisor, who may be an attorney, in accordance with Part 31. A public hearing may be held, at the discretion of the presiding officer, if requested by the respondent.

e) The presiding officer shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the respondent, who disrupts a hearing may be excluded by the presiding officer or by the Assistant Dean of Students.

f) Hearings shall be tape recorded or transcribed.

g) Any party may challenge a board member on the grounds of personal bias. Board members may be disqualified by the Assistant Dean of Students or upon majority vote of the remaining members of the board, conducted by secret ballot.

h) Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of intentionally providing false information to the University, pursuant to Part 11(f) of this Code.

Procedural Guidelines—Disciplinary Conferences

25. When deemed appropriate by violation, when requested by students in place of a judicial board hearing, or when used to adjudicate minor violations of residence hall regulations, the following procedural guidelines for a disciplinary conference will be used:

A disciplinary conference will normally consist of an informal, non-adversarial meeting between the accused student and a University administrator or an experienced member of the University Hearing Board as designated by the Assistant Dean of Students or the Administrator for Student Judicial Services. Respondents may request the Office of Student Judicial Services to call appropriate and relevant witnesses on their behalf.

The following guidelines apply to respondents in disciplinary conferences:

- a) Written notice of the specific charges and date of scheduled conference at least three days prior to the conference.
- b) Reasonable access to the case file at least three days prior to and during the conference. A case file is part of the student's education record under the Family Educational Rights and Privacy Act of 1974. The personal notes of University staff members are not included in the case file. The case file will be retained in the Office of Student Judicial Services.
- c) An opportunity to respond to the evidence and to call appropriate and relevant witnesses.
- d) A right to an advisor in accordance with the guidelines in Part 27.
- e) If a student entitled to a judicial board hearing elects a disciplinary conference, the full range of sanctions may be imposed, including eviction, suspension, and expulsion; and the right to appeal the sanction of expulsion or suspension shall not be applicable. The penalty of eviction is never appealable.

Procedure — Disciplinary Conference

29. Students accused of offenses that may result in penalties less than expulsion or suspension from the University or eviction from University housing are subject to a disciplinary conference in the Office of Judicial Affairs or in the Office of Residential Life, as provided in Part 19. The following procedural protections are provided to respondents in disciplinary conferences:

- a) Written notice of the specific charges at least three days prior to the scheduled conference.
- b) Reasonable access to the case file prior to and during the conference. The case file consists of materials that would be considered "educational records" pursuant to the Family Educational Rights and Privacy Act of 1974; personal notes of University staff members or complainants are not included.
- c) An opportunity to respond to the evidence and to call appropriate and relevant witnesses.
- d) A right to an advisor, but only if applicable under Part 31.

Commentary

The conference procedure is designed to reduce unnecessary proceduralism and contentiousness in disciplinary proceedings. A disciplinary conference will normally consist of an informal, nonadversarial meeting between the respondent and a University administrator or an experienced member of the University Hearing Board, as designated by the Assistant Dean of Students. Complainants are not required to participate, unless cross-examination is necessary to resolve a dispositive factual issue. Documentary evidence and written statements can be relied upon, so long as the respondent is given access to them in advance and allowed to respond to them at the conference. Respondents are also allowed to call appropriate and relevant witnesses.

Representatives and Advisors

27. Representation is not permitted in University disciplinary hearings or conferences. Accused students may be accompanied by an advisor/friendly observer. This party may be, but may not act as, legal counsel. When concurrent criminal charges have been filed, counsel may attend and consult, but may not participate in the hearing or conference.

Representatives and Advisors

31. Representation is not permitted in University disciplinary hearings or conferences. Respondents may be accompanied by an advisor, who may be an attorney, ONLY in the following circumstances: (1) the respondent is referred for a hearing; or (2) the respondent is assigned to a disciplinary conference AND criminal charges arising out of the same incident have been filed. The role of advisors shall be limited to consultation with respondents; advisors may not address the Board or question witnesses.

Commentary

A limitation upon participation by counsel is a natural outgrowth of the "investigatory" administrative hearing procedure used at The George Washington University and at most institutions of higher education. Investigatory proceedings are also used in many free societies across the world, even in criminal cases.

Unlike the passive jury in the adversarial model, the hearing panel in an investigatory proceeding assumes much of the responsibility for questioning witnesses and eliciting relevant evidence. This system gives more active control of the case to the decision maker and diminishes the role of counsel. Properly used, it also protects the legitimate interests of the student respondent, since complainants should be subject to thorough questioning by the hearing panel members. The Supreme Court has permitted considerable leeway in the development of procedures of this nature and held in *Matthews v. Eldridge* 424 U.S. 319, 348 (1976) that the traditional "judicial model is neither required, nor even the most effective method of decision-making in all circumstances...." A thoughtful law review article detailing some of the benefits of investigatory proceedings has been written by Judge Marvin F. Frankel; see "The Search For Truth: An Umpireal View," in 123 *University of Pennsylvania Law Review* 1031 (1975).

Student Groups and Organizations

28. Student groups and organizations may be charged with violations of this Code.

29. A student group or organization may be held collectively responsible and its officers may be held individually responsible when violations of the Code by those associated with the group or organization have occurred.

A position of leadership in a student group, organization, or athletic team entails responsibility. Student officers cannot permit, condone, or acquiesce in any violation of this Code by the group or organization.

This section of this Code is also designed to hold a group, including athletic teams, student organizations and their officers accountable for any act of hazing. For example, requiring, expecting, or encouraging members to consume any drug, including alcohol, as a condition or prelude to membership or further participation in the organization would constitute a violation of Sections 11. a., f., i. and w. This is because such an activity may be physically abusive, constitutes an interference with normal University activities and violates drug/alcohol regulations. The express or implied "consent" of the victim or participant is not a defense. Participants in these activities will be charged; the University community is considered to be the victim.

30. The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Assistant Dean of Students or a designee to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Assistant Dean of Students' directive shall be considered a violation of this Code both by the officers, leaders, or spokesperson for the group or organization and by the group or organization itself.

31. Sanctions for group or organization misconduct may include revocation or denial of registration, as well as other appropriate sanctions.

Student Groups and Organizations

32. Student groups and organizations may be charged with violations of this Code.

33. A student group or organization and its officers may be held collectively and individually responsible when violations of this Code by those associated with the group or organization have received the consent or encouragement of the group or organization or of the group's or organization's leaders or officers.

Commentary

A position of leadership in a student group or organization entails responsibility. Student officers cannot knowingly permit, condone, or acquiesce in any violation of this Code by the group or organization. For example, officers of a campus club who organize or supervise an activity such as a "scavenger hunt" must take reasonable precautions before, during, and after the event to prevent the misappropriation of property belonging to others. Failure to do so may result in a finding that the officers consented to any act of theft that may have occurred.

This part of the Code is also designed to hold a group or organization and its officers accountable for any act of hazing. For example, requiring, expecting, or encouraging a "pledge" to consume any drug (including alcohol) as a condition or prelude to membership or further participation in the organization would constitute a violation of Part 11(a) and (d). This is so because such an activity may cause "apprehension of harm" from the standpoint of a reasonable observer and constitutes an interference with normal University activities. The express or implied "consent" of the victim or participant is not a defense.

34. The officers or leaders or any identifiable spokesman for a student group or organization may be directed by the Dean of Students or a designee to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Dean of Students' directive shall be considered a violation of Part 11(n) of this Code, both by the officers, leaders, or spokesmen for the group or organization and by the group or organization itself.

35. Sanctions for group or organization misconduct may include revocation or denial of registration, as well as other appropriate sanctions, pursuant to Part 12(g) of this Code.

Appeals

32. Only determinations resulting in expulsion or suspension from the University may be appealed. Students upon whom those sanctions are imposed may appeal to the Committee on the Judicial System.

33. Appeals must be submitted in writing to the Office of Student Judicial Services within five business days from the date of the written sanction notice. Failure to appeal within the allotted time will render the original decision final and conclusive. Decisions to grant or deny the appeal will be based upon information supplied in the written appeal and, when necessary, upon the record of the original proceedings.

34. The basis for appeal must be one or both of the following:

- a) Alleged bias in the decision of the hearing board;
- b) New information or insufficient consideration of all aspects of the situation relevant to the violation.

35. The Committee on the Judicial System may:

- a) Affirm the finding of the original board;
- b) Remand the case to the original board for a new hearing;
- c) Request that a new board hear the case.

36. The imposition of sanctions will be deferred during the pendency of appellate proceedings unless, in the judgment of the Dean of Students or a designee, the continued presence of the student on campus poses a substantial threat to others, to him/herself, or to the stability and continuance of normal University functions.

Appeals

36. Any disciplinary determination resulting in expulsion or suspension from the University may be appealed by the respondent to the Committee on the Judicial System.

37. Requests for appeals must be submitted in writing to the Office of Judicial Affairs within five business days from the date of the letter notifying the respondent of the original decision. Failure to appeal within the allotted time will render the original decision final and conclusive.

38. A written brief in support of the appeal must be submitted to the Office of Judicial Affairs within seven business days from the date of the letter notifying the respondent of the original decision. Failure to submit a written brief within the allotted time will render the original decision final and conclusive.

39. Appeals shall be decided upon the record of the original proceeding and upon the written briefs submitted by the parties. New hearings shall not be conducted on appeal.

40. The Committee on the Judicial System may:

- a) Affirm the finding and the sanction imposed by the original board.
- b) Affirm the finding and reduce the sanction, in accordance with Parts 41 and 41(a) of this Code.
- c) Remand the case to the original board, in accordance with Parts 41 and 41(b).
- d) Dismiss the case, in accordance with Parts 41 and 41(c).

41. Deference shall be given to the determination of lower boards.

a) Sanctions may only be reduced if found to be grossly disproportionate to the offense.

b) Cases may be remanded to the original board if specified procedural errors or errors in interpretation of University regulations were so substantial as effectively to deny the respondent a fair hearing or if new and significant evidence became available that could not have been discovered by a properly diligent respondent before or during the original hearing.

c) Cases may be dismissed only if the finding is held to be unsupported by any evidence.

Student Groups and Organizations

28. Student groups and organizations may be charged with violations of this Code.

29. A student group or organization may be held collectively responsible and its officers may be held individually responsible when violations of the Code by those associated with the group or organization have occurred.

A position of leadership in a student group, organization, or athletic team entails responsibility. Student officers cannot permit, condone, or acquiesce in any violation of this Code by the group or organization.

This section of this Code is also designed to hold a group, including athletic teams, student organizations and their officers accountable for any act of hazing. For example, requiring, expecting, or encouraging members to consume any drug, including alcohol, as a condition or prelude to membership or further participation in the organization would constitute a violation of Sections 11. a., f., i. and w. This is because such an activity may be physically abusive, constitutes an interference with normal University activities and violates drug/alcohol regulations. The express or implied "consent" of the victim or participant is not a defense. Participants in these activities will be charged; the University community is considered to be the victim.

30. The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Assistant Dean of Students or a designee to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Assistant Dean of Students' directive shall be considered a violation of this Code both by the officers, leaders, or spokesperson for the group or organization and by the group or organization itself.

31. Sanctions for group or organization misconduct may include revocation or denial of registration, as well as other appropriate sanctions.

Student Groups and Organizations

32. Student groups and organizations may be charged with violations of this Code.

33. A student group or organization and its officers may be held collectively and individually responsible when violations of this Code by those associated with the group or organization have received the consent or encouragement of the group or organization or of the group's or organization's leaders or officers.

Commentary

A position of leadership in a student group or organization entails responsibility. Student officers cannot knowingly permit, condone, or acquiesce in any violation of this Code by the group or organization. For example, officers of a campus club who organize or supervise an activity such as a "scavenger hunt" must take reasonable precautions before, during, and after the event to prevent the misappropriation of property belonging to others. Failure to do so may result in a finding that the officers consented to any act of theft that may have occurred.

This part of the Code is also designed to hold a group or organization and its officers accountable for any act of hazing. For example, requiring, expecting, or encouraging a "pledge" to consume any drug (including alcohol) as a condition or prelude to membership or further participation in the organization would constitute a violation of Part 11(a) and (d). This is so because such an activity may cause "apprehension of harm" from the standpoint of a reasonable observer and constitutes an interference with normal University activities. The express or implied "consent" of the victim or participant is not a defense.

34. The officers or leaders or any identifiable spokesman for a student group or organization may be directed by the Dean of Students or a designee to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Dean of Students' directive shall be considered a violation of Part 11(n) of this Code, both by the officers, leaders, or spokesmen for the group or organization and by the group or organization itself.

35. Sanctions for group or organization misconduct may include revocation or denial of registration, as well as other appropriate sanctions, pursuant to Part 12(g) of this Code.

Transcript Notations

37. A temporary encumbrance may be placed on a student's University records by the Assistant Dean of Students or a designee while disciplinary proceedings are pending.

38. Notation of disciplinary action will be made on the transcript whenever a student is expelled or suspended. Students may petition for removal of the notation of suspension when the suspension period has expired or after three years, whichever comes first. Students may petition for removal of the notation of expulsion after three years. Such petitions may be granted at the discretion of the Assistant Dean of Students or a designee. Factors to be considered in reviewing petitions for notation removal include the current demeanor of the student, the student's conduct subsequent to the violation, and the nature of the violation, including the damage, injury, or harm.

Transcript Notations

43. A temporary encumbrance may be placed on a student's University records by the Assistant Dean of Students while disciplinary proceedings are pending.

44. Permanent notation of disciplinary action will be made on the transcript whenever a student is expelled. Transcript notations of disciplinary action will also be made if a suspension is implemented, although students may petition for removal of the notation when the suspension period has expired. Such a petition may be granted at the discretion of the Dean of Students or a designee. Factors to be considered in reviewing petitions for notation removal after suspension include the present demeanor of the student, the student's conduct subsequent to the violation, and the nature of the violation, including the severity of any resulting damage, injury, or harm.

Disciplinary Files and Records

39. Case referrals may result in the development of a disciplinary file in the name of the student; the file shall be voided if the charge is not substantiated. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record.

40. The files of students found in violation of any prohibited conduct will be retained as disciplinary record until their graduation. Disciplinary records may be reported to third parties in accordance with University regulations and Federal law.

41. Disciplinary records may be expunged by the Assistant Dean of Students, upon written request of the student, not sooner than one year after the finding of fact for the case. In deciding whether to grant the request, the Assistant Dean of Students will consider such factors as the current demeanor of the student, the student's conduct subsequent to the violation, and the nature of the violation including the severity of any other student's damage, injury, or harm.

42. Students assigned to complete any sanction as a result of violating any section of this Code will have their records encumbered by the Office of Student Judicial Services. The encumbrance will be removed upon completion of all sanctions required by the University.

Disciplinary Files and Records

45. Case referrals may result in the development of a disciplinary file in the name of the respondent; the file shall be voided if the respondent is found innocent of the charges. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave any student with a disciplinary record.

46. The files of respondents found guilty of any charges against them will be retained as a disciplinary record for three years from the date of the letter providing notice of final disciplinary action. Disciplinary records may be reported to third parties in accordance with University regulations with respect to education records or as required by law.

47. Disciplinary records may be voided by the Assistant Dean of Students, for good cause, upon written petition of respondents. Factors to be considered in review of such petitions shall include the present demeanor of the respondent, the conduct of the respondent subsequent to the violation, and the nature of the violation and the extent of any damage, injury, or harm resulting from it.

Committee on the Judicial System

48. The committee on the Judicial System, appointed by the President, shall be composed of the following members: three faculty members, to be nominated by the Faculty Senate; three administrators, to be nominated by the Dean of Students; and three students, to be nominated by the President of the Student Association.

In addition to hearing appeals under Part 36, the Committee on the Judicial System shall be responsible for reviewing the *Code* and suggesting appropriate amendments or modifications. Any amendments or modifications that the Dean of Students may wish to implement shall be submitted to the Faculty Senate for its consent. Other tasks or assignments may also be referred to the Committee on the Judicial System, at the discretion of the Dean of Students.

May 1988

Old code
(1987)
last #
dropped from
1995 Code

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β . It is shown that the system has solutions for all values of the parameters α and β if and only if the condition $\alpha + \beta > 0$ is satisfied.

2. In the second part of the paper the problem of the uniqueness of solutions of the system (1) is considered. It is shown that the system has a unique solution for all values of the parameters α and β if and only if the condition $\alpha + \beta > 0$ is satisfied.

3. The third part of the paper is devoted to a study of the properties of the solutions of the system (1) for arbitrary values of the parameters α and β . It is shown that the solutions of the system (1) are bounded for all values of the parameters α and β if and only if the condition $\alpha + \beta > 0$ is satisfied.